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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

3° VICTORIÆ, 1840.

VOL. LIV.

COMPRISING THE PERIOD FROM

THE TWELFTH DAY OF MAY,

TO

THE TWENTY-SECOND DAY OF JUNE, 1840.

Fourth Volume of the Session.

LONDON:

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1840.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *THIRD SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 16TH JANUARY, 1840, IN THE THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, May 12, 1840.

MINUTES.] Bills. Read a second time:—Exchequer Bills. Petitions presented. By Lord Kenyon, the Bishop of Ripon, and the Earl of Radnor, from places in Wales, New Sarum, and other places, in favour of Church Extension, and against any further Grants to Maynooth College.

WAR WITH CHINA.] Earl *Stanhope* regretted, that the motion which he was about to propose to their Lordships on the subject of the traffic in opium, had not been taken up by some person of greater abilities, and better able to do justice to the question than he was. But it might, in some degree, compensate for any deficiency on his part, when it was recollected that the individual who brought the subject forward was altogether unconnected with any other party, and could have no other object in view than the honour and interest of his country in introducing a question which deeply involved both the one and the other. In submitting this subject to their Lordships' consideration, he hoped that he should not be obliged to trespass on their Lordships for any great length of time, and, with that view, he should carefully abstain from introducing any extraneous or irrelevant matter, and confine himself, as much as he possibly could, to those points which were intimately connected and interwoven with the question. He trusted that at the outset he might be relieved from the necessity of attempting to demonstrate that which, he believed, was admitted by all to be a political axiom. He believed that no man would dispute the principle, that every foreigner was bound to pay absolute, implicit, unconditional, obedience to the laws of the empire in which he resided, and even more so than to the laws of his own country. This principle was especially recognized and pointed out in the instructions, under the sign manual, given to our superintendent of trade in China. It was there set forth:—

> "And we do require you constantly to bear in mind and to impress, as occasion may offer, upon our subjects resident in, or resorting to China, the duty of conforming to the laws and usages of the Chinese empire."

Now, he did not find any exception to

this rule with regard to the trade in opium, whether that traffic was carried on within or without the Canton river. It was quite immaterial, and could not, in any degree, affect the duty of obedience and submission on the part of foreigners, what were the grounds upon which particular laws were founded. Whether they were founded on religious and moral feelings, or solely on commercial and fiscal regulations, made no difference. Obedience was still due by the foreigner to those laws. It mattered not whether the prohibition to import opium arose, as he considered that it did, from a wise, benevolent, and magnanimous determination on the part of the Emperor of China to interdict the importation of a poisonous drug, which had debased the intellect, depraved the character, demoralized the conduct, and destroyed the health and happiness and lives of millions amongst the countless inhabitants of that mighty empire; or whether it arose partly or principally from a desire to prevent the exportation of silver, still those laws ought to be obeyed. A learned Gentleman, who had recently written a sort of brief on this subject, had wasted a great deal of paper and ink, in endeavouring to prove that the real cause of the prohibition of the import of opium arose from an anxiety to prevent what the Chinese government, called " the oozing out of silver." He, however, denied that such was the fact. At the same time admitting, for argument's sake, that the statement was true, it would be proper to look at the effect which this drainage of silver was calculated to produce in China. A great rise had taken place in the value of silver in that country, in consequence of its extensive exportation. The value of the Chinese ounce of silver was equal to 6*s*. 8*d*. of English money; and this, at par, was equal to the value of 1,000 cash or copper coin. But, in consequence of the extent of exportation, instead of the ounce of silver being represented, as heretofore, by 1,000 cash, it became equal to 1,500 cash, so that a rise in value to the amount of 50 per cent. had taken place, in consequence of the exportation of silver. This change greatly deranged and most injuriously affected the currency of that country, and occasioned considerable embarrassment to the officers of the Government. With respect to this point, it was stated in the memorial of Hwang Tseotye, in 1838:—

> " That the land and capitation taxes, and the contributions for the supply of grain, are paid, for the most part, in all the provinces and districts in copper cash. When the sums collected are accounted for to government, these copper cash have to be exchanged for silver. The loss now experienced upon this exchange is so very heavy, that in consequence of it, the officers have everywhere to supply deficiencies in the revenue; whereas, formerly there was in general, an overplus. The salt merchants of the several provinces always sell the salt for copper coin, while they are invariably required to pay the *gabelle* in silver."

And the memorialist added—

> " If this state of things continues a few years longer, the price of silver will become so enhanced that it will be a question how the revenues collected can possibly be accounted for, or the *gabelle* paid up."

Was it not advisable, then, in such a state of things, that the Chinese Government should take this course? They all very well knew what embarrassment was invariably occasioned to the money and commercial transactions of this country, when a very large exportation took place, and the rate of exchange was thereby turned against us. The consequence always was, that our money transactions were involved in the greatest difficulties. Of course, the exportation of silver must have produced equally unfavourable results in China. According to another memorial, the loss to the Chinese Government was calculated at 3,000,000*l*. sterling, or to more than the value of 10,000,000 of ounces of silver. Indeed it was stated, in a Canton paper, in April 1833, that

> " Perhaps nothing could contribute more readily to the final reduction of the Chinese people to reasonable terms with foreigners than this steady and never ceasing impoverishment of the country, by the abstraction of the circulating medium."

Here they had an open statement, a candid avowal, that the real object sought to be attained by the opium trade, was to impoverish, and thus to enfeeble the Chinese empire, in order to compel the Government to accede to our demands. Such a declaration, coming from such a quarter, was well calculated to excite the jealousy and suspicion of the Chinese Government, and to induce them immediately to take the most effectual measures to put an end to a system which manifestly tended to the destruction of the liberty and independence of the Chinese empire. This part of the subject however, had only reference to the question, or consequences of the undue stress which had been laid upon the motives alleged to have influenced the Chinese in respect to the exportation of silver. It had been said by those who were interested in the nefarious traffic, and by those who accustomed themselves to repeat by rote, without the trouble of examination, the assertions of those who were thus interested, that there existed, on the part of the Chinese Government, with respect to the opium trade, prohibition in theory, but permission in fact, that the imperial proclamations were considered no more than so much waste paper, and that fees were openly paid to officers who connived at the traffic. Now, he believed that corruption existed in the Chinese empire as well as in other countries, even in our own. Smuggling was carried on to a very great extent here. It was perfectly well known, that foreign silks could be imported here, on the payment of an insurance of ten per cent., the parties importing taking on themselves all the risk. The consequence was, that our unfortunate silk manufacturers were greatly injured. Now, although smuggling might have been connived at in China, he totally denied that the Imperial Government was cognizant of it. Undoubtedly, while the opium trade was inconsiderable in amount —while the number of its victims was comparatively small—while the pernicious effects of the poisonous drug were but little known, there was nothing particular to excite the apprehension of the Chinese Government, or to call for additional vigilance on its part. But whatever had been the conduct of some of the imperial mandarins—whatever corruption might have existed amongst them, certain it was, that the determination of the Government to put down this trade, when its evils became manifest, was fixed and immutable as the Polar star. After the year 1836, measures were taken, as their Lordships would hereafter see, to put an end to the trade, and, in many instances, with signal success. This he would prove from the evidence on their Lordships' table, and he would clearly show, that there never existed any connivance with respect to this scandalous trade on the part of the Chinese Government. To show what the feeling of the Chinese Government was, he would refer to a secret memorial (which had been surreptitiously obtained) sent to the emperor in 1834, by the officers of the local government, in which they "complained of the daily increase of ships selling opium clandestinely in the outer seas." An imperial edict of November 3rd, 1834, noticed that clandestine sale, and

> "Imposed penalties on those who take the opium from the ship, on the officers who are negligent in keeping guard, on those who take fees to connive, and on those who melt (or prepare) opium, and threatens a stoppage of the trade."

Captain Elliott, on the 2nd of February, 1837, acknowledged

> "The actual degree of rigorous prohibition," and stated "that for the last two months, the local Government has been keeping a system of severe restriction, with respect to this branch of the trade, which has been successful to a great extent."

Hen Naetze, one of the imperial ministers, in a memorial to the Emperor, stated,

> "That it is indispensably necessary to enact severe prohibitions against the use of opium."

Another memorial to the Emperor, in October, 1836, sets forth

> "That the laws are not wanting in severity, but there are those in office who, from want of energy, fail to carry them into execution."

Again, a memorial from the sub-censor, of the same date, observes,

> "But that it (the opium trade) has gone to this length, is altogether attributable to the conduct of the great officers of the abovenamed province in times past; to their sloth and remissness, their fearfulness and timidity, their anxiety to show themselves liberal and indulgent, by which they have been led to neglect obedience to the prohibitory enactments, and to fail in the strict enforcement of the precautionary regulations;"

and he threatened,

> "If the receiving ships are again brought, that the commercial intercourse shall assuredly be altogether interdicted, and on the resident foreigners of the said nation, the laws shall be executed capitally."

He entreated their Lordships to mark this fact, that, even in 1836, the Chinese Government declared, that the traffic in opium called for punishment of a capital nature. In November, 1837, Captain Elliot acknowledged

> "That he had frequently been urged to dismiss the opium ships from the usual anchorage outside the port."

An edict was published from the Governor, and Lieutenant-Governor of Canton (August 4, 1837), directing, in the name of the Emperor, that the vessels anchored outside the port be immediately sent away, and that " steps be taken to punish all natives engaged in the smuggling of opium." There was another edict from the same (August 17, 1837) again desiring, that those ships be immediately sent away, and stating, " that no contraband articles, such as opium, must be imported." The Prefect of Canton, in writing to Captain Elliot (Sept. 29, 1837), renews that demand, and states that " such receiving ships are to be prohibited ever again coming hither," and that no opium is to be imported. Captain Elliot (November 19, 1837,) mentions " the vigorous proceedings of the provincial government against the native smugglers at the outside anchorages," and allows that " the native boats have been burned, and the native smugglers scattered." Again, Captain Elliot (November 29, 1837,) talks of " the vast opium deliveries at Whampoa, under extremely hazardous circumstances," which he adds, " may certainly, at any moment, produce some dilemma." November 20, 1837. The Prefect of Canton, addressing the Hong merchants, complains that the receiving ships still remain, although two months have elapsed, desires that they may be sent away in one month, and threatens the stoppage of the trade. Captain Elliot, February 5th, 1838, transmitted a memorial from the provincial government, proposing to the Emperor the " stoppage of the regular commerce, until the receiving ships shall have finally taken their departure." He states (April 20, 1838) that, in the course of the last two months,

> " The deliveries of opium have frequently been accompanied by conflict of fire arms between those vessels and the Government preventive craft,"

And that a Chinese was executed for smuggling opium, and " mainly with a view to the intimidation, and for an example to foreigners." Again, (Dec. 8, 1838,) he mentions that

> " The Governor has lately incurred the severe displeasure of the court, upon the ground of the lax execution of the orders concerning the more effectual prevention of the traffic in opium," and adds, " a remarkable increase of activity has ensued."

The same officer says, (January 21st, 1839),

> " There has been no relaxation of vigour of the Government, directed not only against the introduction of the opium, but in a far more remarkable manner against the consumers;"

And (January 30th, 1839) he observes,

> " There seems, my Lord, no longer reason to doubt that the court has firmly determined to suppress, or more probably, most extensively to check the opium trade."

The Governor and Lieutenant-Governor (January, 1839) state, that in consequence of increased severity, " consecutive reports of seizures had been the result, to the number of many hundreds," and again demand that the warehousing ships should be sent away. On the 6th of April, 1839, Captain Elliot said,

> " I had certainly come to the conclusion, for some months since, that the determination of the court to put down the trade was firmly adopted."

On the 28th of November, 1839, he stated, " That four months before the arrival of the commissioner, there had been scarcely any deliveries," and that " prices had fallen to between 200 and 300 per cent. below the cost of production and charges." The Hong merchants set forth, in their address to the Chamber of Commerce, December 5th, 1838,

> " By the foreigners smuggling opium we are constantly involved in trouble;" and they add, " that they are determined no longer to suffer for others' misdeeds."

In the placard published by their order they observed,

> " We have repeatedly written to the foreigners, begging them not to infringe the prohibitory laws."

Here let it be observed, that he did not quote the opinions of those who agreed with him in sentiment on this subject. He should refer to what had been said by Mr. Lindsay, a gentleman who had been long resident in China, and who was perfectly well acquainted with the subject in all its bearings. Mr. Lindsay admitted that the real measures for the suppression of the opium trade commenced in 1837. This was also the opinion of Mr. Warren, that in 1837 and 1838 stringent measures were published by the Chinese, and that the aspect of affairs was becoming every day more and more threatening. In December, 1838, three princes of the imperial family were deprived of their honours for bad practices, of which opium eating was the principal. He might have contented himself by appealing to any impartial man, whether, if it had been the policy of the Chinese Emperor to connive at the traffic, he would not have remained perfectly quiescent, whether he would not have allowed the existing laws to fall into oblivion, and to become a dead letter, and whether he would have called the attention of his subjects, as well as foreigners, against the trade, by renewed edicts. Nay more, their Lordships need not be told that the opium trade was carried on from the receiving ships in a species of galleys which were propelled by a number of oars, and if the wind was favourable by sails, which moved with extraordinary rapidity, and which received from the Chinese the singular appellation of "fast crabs and scrambling dragons," and he would ask whether these appellations and these precautions were not proofs that the trade was known to be illegal, and that measures were necessary to avoid the vengeance of the Chinese Government. They found, also, that the Chinese Government was obliged to construct similar vessels in order to pursue and capture the smugglers. If the continuance of smuggling in any country was the proof of the connivance of any government in it, all the members of the Government of this country were to be charged with connivance at smuggling, for there never was a period in which smuggling was carried on to a greater extent than at present, by persons both of rank and fashion, and by persons whose wealth ought to have prevented them from resorting to such a disgraceful transaction. They were told by some anonymous writer that the mere fact of the long existence of the smuggling of opium was a proof of the connivance of the Government of China. If this gentleman had not designated himself as a barrister at law, he could not have been supposed to belong to any profession, and certainly could not be thought to have considered the value of the weight of evidence, or to have in any manner exerted his reasoning faculties. The character of the opium trade, the disgrace which attended it, the injuries to which it must lead, required no other evidence than that of Captain Elliot himself. He would here trouble their Lordships with a very few extracts to confirm what he said. So far back as February 21, 1837, Captain Elliot stated—

"The fact of such an article being known to be by far the most important part of our import trade, is in itself a source of painful reflection, and the wide-spreading mischief, which the manner of its pursuit has necessarily entailed, so ably and so faithfully represented in some of the papers I have had the honour to transmit to your Lordships, aggravates the discomfort of the whole subject." "It cannot be good that the conduct of a great trade should be so dependent upon the steady continuance of a vast prohibited traffic in an article of vicious luxury, high in price, and liable to frequent and prodigious fluctuation. In a mere commercial point of view, therefore, I believe it is susceptible of proof that the gradual diversion of British capital into other channels of employment than this would be attended with advantageous consequences."

In November of that year Captain Elliot stated—

"The actual state of things cannot continue to be left to the turn of events without seriously risking vast public and private interests, or without such deeply-rooted injury to the national character in the estimation of this huge portion of mankind as it is indeed painful to reflect upon."

He calls it "a trade that is carried on under circumstances that are very discreditable to us. In January 1839, he says—

"It had been clear to me, my Lord, from the origin of this peculiar branch of the opium traffic, that it must grow to be more and more mischievous to every branch of the trade, and certainly to none more than to that of opium itself. As the danger and the shame of its pursuit increased, it was obvious that it would fall by rapid degrees into the hands of more and more desperate men; that it would stain the foreign character with constantly aggravating disgrace in the sight of the whole of the better portion of this people; and, lastly, that it would connect itself more and more intimately with our lawful commercial intercourse, to the great peril of vast public and private interests. And all these desperate hazards have been incurred, my Lord, for the comparatively insignificant gains of a few reckless individuals, who unquestionably found their conduct on the belief that they are exempt from the operation of all law, British and Chinese."

Captain Elliot held the same language in a speech which he had made at a general meeting of all the foreign residents, in December 1838, he said—

"Such courses exposed us more and more to the just indignation of this Government and people, and diminished the sympathies of our own."

In a letter to the Governor of Canton, December 23, 1838, he says—

> "The undersigned is without doubt that the continuance of this traffic in the inner waters will involve the whole foreign community at Canton in some disastrous difficulty; and his gracious Sovereign would not interfere for the protection of their property on the behalf of those British subjects who continue to practise these dangerous disorders, after your Excellency's public warning shall be authentically made known to them through the officers of their own nation."

In his official notice to the British subjects he declared that this trade—

> "In its general effects was intensely mischievous to every branch of the trade, and that it was rapidly staining the British character with deep disgrace, and, finally, that it exposed the vast public and private interests involved in the peaceful maintenance of our regular commercial intercourse with the empire, in imminent jeopardy."

In the following month, in January, 1839, he again represented—

> "The urgent necessity of arresting the growing audacity of the foreign smugglers."

He held the same language after the confiscation of the opium, and called—

> "For the putting down of that trade which every friend of humanity must deplore." "A traffic which by the present means of its pursuit, must every day become more dangerous to the peace of this ancient empire, and more discreditable to the character of the Christian nations under whose flags it is carried on."

In his public notice to her Majesty's subjects, dated Macao, June 21, 1839, he spoke again of—

> 'The great evils so justly denounced by his Imperial Majesty, and calls for the suppression of the opium traffic," and for "a great moral and religious reformation.'

And he added—

> "But it is asked on the other hand, whether the wise and good purposes of the Emperor cannot and should not be fulfilled? Most assuredly they can, and they ought."

Even in one of the most recent communications in writing to Captain Smith, on October 27, 1839, he calls the illicit traffic

> "Dangerous and disgraceful in the last degree," and says "none other than lawful commerce will ever receive the least countenance or protection from the Queen's Government."

Now, was it creditable that, after receiving all these and other declarations from the British superintendent of Canton —after these repeated warnings, recording opinions that had been expressed as to the disgraceful and dangerous character of the traffic, was it creditable that her Majesty's Ministers had made no communication whatever to Captain Elliot? On the contrary, the chief attention of the noble Lord, who held the seal of the Foreign-office seemed to have been directed to a point the most insignificant—to the mere question as to the writing to the viceroy in the character "pin." The whole question did not signify a pin; it was not of the value of a Chinese cash—the thousandth part of 6*s*. 8*d*. The trade in opium was forbidden within the Canton river; but he had yet to learn what it was which rendered dangerous, disgraceful, and deserving of condemnation and punishment, a trade carried on within the Canton river, but which rendered it perfectly safe, and innocent, and harmless without the river. He was reminded by it of a story told by Mr. Fox of a lady who had been in India, and whose conduct had been represented as much distinguished for gallantry, and who was apologized for by one of her friends, who said that the charges could not by possibility be denied whilst she was in India, but that they were not true on this side of the Cape of Good Hope. So said Captain Elliot,

> "Whether the opium is carried outside the river and lodged and carried afterwards on shore it is sufficient for me, though no British vessels navigate the river."

Their Lordships would find an important principle in these extracts, that repeated warnings were given, that reiterated demands were made that the receiving ships should be sent from the outside anchorage; and he would ask, whether such a demand were not in the utmost degree justifiable and proper? Would their Lordships tolerate for an instant, that foreign smuggling vessels should lay at anchorage at Spithead? He did not believe that many days would elapse before fair means or foul would be devised to drive them from thence. He wished now to call the attention of their Lordships to what had been done by Captain Elliot. It was strange and lamentable to see no instructions given to him by any of her Majesty's Ministers; and he was grieved to find in the conduct of any British officer a want of frankness and good faith, which characterized the conduct of Captain Elliot. In the despatch, an extract from which he had taken the liberty of reading to their Lordships, Captain Elliot had been repeatedly required by the Chinese government to send away the opium vessels. What had he done? On September the 25th, 1837, he had acted in a manner highly unworthy of his character, as well as of the situation in which he was placed, and of the profession to which he belonged. He stated, that

> "He sees only the papers of British ships which arrive within the port, and that, therefore, he is without any public means of knowing whether the ships resorting to these anchorages are British ships, what is the nature of their pursuits, whence they come, or whither they go."

In November 17th, 1839, he stated,

> "My commission extends only to the regular trade with this empire."

And on the following day, November 18th, he stated that—

> "He had no formal knowledge of the existence of any other trade than that to Canton."

And on the 19th of that month, he had recourse to an excuse wholly inapplicable to the question, and said that—

> "Her Majesty had neither the right nor the power to forbid the importation of opium in foreign bottoms."

Certainly not, if the Chinese wished us to send away the opium in foreign bottoms. On the 21st of November, 1837, he

> "Again announces in distinct terms, that he has no authority to pursue the course indicated in the edict of the 20th."

On February 5, 1836, Sir George Robinson said,

> "Whenever her Majesty's Government direct us to prevent British vessels engaging in the traffic, we can enforce any order to that effect."

Now the sending away of the opium vessels was comparatively of less importance when it could no longer prevent some of those calamitous events which have occurred to disturb the commercial intercourse and peaceful communication, which have so long existed between the two countries. In writing to Captain Blake of the Larne, on the 23rd of March, 1839, he mentioned the British shipping on the outside anchorages, and said

> "No doubt many of them have been engaged in the illicit traffic."

On April the 6th, 1839, he stated

> "Before the arrival of the High Commissioner, I had steadily considered the expediency of formally requiring all the British ships engaged in the opium trade to sail away from the coast of China."

What was the use of such consideration when it was too late? On the 11th of September last he required "that all British vessels engaged in the traffic of opium should immediately depart from the harbour and coast." Why, had he not informed them that he had no authority for that course? He (Earl Stanhope) should wish to know, if ever he had received subsequent authority; whether he did not enjoy the same authority on the 21st of September, 1837, when he had made the first communication, as he did on the 11th of September, 1839, when he made the last. In the first case it might have been useful, in the second case it was of much smaller value; but if he possessed the power, he ought to have used it at the proper time. It was clear that he exercised that power, and that the exercise of it had never been called in question as to its legality and propriety. They all knew that in judicial investigations of cases of strife that arose between different nations, it was most important, and was the invariable practice of the tribunal, to examine what had been the previous disposition and conduct of the parties. Now, if they referred to what had been the previous conduct of the Chinese, they found that it had been, as had uniformly been the case, conciliatory. In the year 1834, notwithstanding the provocation which the Chinese had then recently received, an edict was published by the Emperor to prevent the exactions of the Hong merchants, and which, from the circumstances which attended it, he considered to be of particular value. The Chinese state that "there decidedly must not be the least tendency towards what will occasion the commencement of a bloody quarrel, and commencement of disturbance." In June, 1837, Captain Elliot gave his opinion—

> "Strengthened by every day's experience in this country, that there is an increasing disposition, on the part of the Chinese government, to conciliate that of his Majesty."

He praises the humane and generous treatment by the Chinese of some shipwrecked seamen; and in January, 1839, he said,

> "I offer these opinions, because I am sure that the Chinese have great confidence in the good faith of the Europeans."

Unhappily that confidence appeared entirely misplaced—

> "And because, too, I believe they are, in many important respects, the most moderate and reasonable people on the face of the earth. Seeking nothing but justice (and no people are more capable of clear perceptions of the reality of what they receive under that name), I am persuaded that they will have the good sense, for the sake of mutual convenience, to take it at our hands; regarding, indeed, the form under which it is administered to them with feelings of perfect indifference."

Now what was, on the other hand, the conduct of the Europeans? He found, by referring to the papers on the table, that the most insulting and offensive language was used, that the most outrageous conduct was pursued, that the most hostile intentions were manifested, that repeated demands were made for what was called a demonstration of force, and that Captain Elliot himself allowed, so far back as January, 1836, that

> "The peaceful and conciliatory policy by which the King's Government appear to me to desire to maintain and promote the commercial intercourse with this empire is not very generally approved amongst the fifty or sixty resident merchants at Canton; and a determination to give it effect, so far as depends upon me, is the least popular task I could have proposed to myself."

He trusted that their Lordships would not assent to this measure against China, without passing in review the conduct of Captain Elliot, and examining into the conduct of her Majesty's Ministers. And yet he was told of an enlightened assemblage meeting somewhere in that neighbourhood (composed as it was for the purpose of talking over public affairs, without any degree of party spirit or personal object, but solely for the public good; and, therefore, exhibiting a very laudable and rare instance of public spirit), in a discussion which there took place on the subject of China—not, indeed, as to the injustice of the war which we were on the point of commencing, if we had not actually commenced it, not with respect to the injustice or iniquity, the expediency or inexpediency, of continuing the opium trade, for these topics were, for some reasons or other, most carefully avoided, but a discussion entered into generally with a view of examining what was the conduct of her Majesty's Government—that in this discussion of three days nothing at all was said of the conduct of the Government, and great compliments were paid to the speakers for not having mentioned Captain Elliot. This seemed to him to be just as reasonable as what he had heard of a company of strolling players who had performed the play of *Hamlet* leaving out the character of the Prince of Denmark. For all the acts of Captain Elliot, whatever they might appear to be, her Majesty's Ministers were responsible to their Lordships and to the country; not, indeed, as having advised or directed those acts at the time, or as being cognizant of them then, but as having been, what was called in law, accessaries after the fact. This was his position, and he held it to be quite incontrovertible; for it was not perfectly clear, that if Captain Elliot had omitted to perform any part of his instructions from home, or done anything which he had been directed not to do, or which he ought not to have done, her Majesty's Ministers ought to have recalled him, whatever family he belonged to. Retaining him in his position was a tacit approval of his conduct on the part of the Government. What that conduct had been, he (Earl Stanhope) should next proceed to explain, and in doing that, he begged their Lordships to give him their attention continuously. On the 27th of December, 1837, Captain Elliot wrote to the effect, that no Government can afford to be reduced to utter contempt in the sight of its own people by a handful of heedless foreigners; the sacrifice, in point of public estimation, is far too considerable. He (Earl Stanhope) knew it had been said, and much insisted upon by those who viewed all questions through the distorted views of party politics, that all these disasters had arisen from the want of sending sufficient powers to Captain Elliot, but without inquiring into this any further, he would content himself with asking had not Captain Elliot powers of non-intervention at least? Yet their Lordships would find, that in February 1837, at a time when the Chinese government had made a formal communication to Captain Elliot, that certain individuals among the English were more than suspected of being concerned in smuggling opium, among others, an English gentleman who was designated by the Chinese as "the iron headed old rat." Captain Elliot went the length of stating,

> "Your Lordship may rely upon my measured but firmest opposition to an intolerably injurious aggression of this practical nature."

A great deal had been said about the imprisonment, as it was called, of Captain Elliot in Canton, and it was asked what can be thought of a foreign nation which imprisons the ambassador of a friendly state? But, in the first place, Captain Elliot was no more an ambassador at Canton than he was; Captain Elliot was no more than a mere consular agent. In the second place, was it imprisonment that he suffered? But between detention and imprisonment, there was a great difference. The noble Earl opposite (Lord Minto) was far too acute not to see that; the difference was as great as that between an ambassador and a consular agent. And how were the Chinese to blame? Captain Elliot had forced his way up to Canton, when he found that the English merchants were detained there, and in his opinion justly detained, and then Captain Elliot was astonished, as he professed, that he should be detained too. But there was no reason for his astonishment, for he (Earl Stanhope) denied that he was detained. There was, as far as he could find, no evidence whatever that having arrived at Canton, Captain Elliot applied for permission to return, and that such permission was refused. But what was the reason of his going up to Canton! He went, notwithstanding the "earnest dissuasion" of a chief Mandarin, and in defiance of opposition. What was the reason of the detention of the merchants then? A Mr. Dent, a leading merchant, having been charged with importing opium in large quantities, the Chinese provincial government thought it necessary to take strong measures. And yet, notwithstanding that the supplies were accordingly stopped, and stopped, as the merchants declared, in consequence of Mr. Dent's opposition to the high commissioner's "summons," Captain Elliot took Mr. Dent to his house and refused to allow him to attend upon the high commissioner, although he declared that if Mr. Dent would willingly go and see the commissioner the trade should be reopened; and although three officers, sent by the provincial government, had called Heaven to witness that they would safely conduct and bring back Mr. Dent. Was there any thing blameable in this? Was it unusual that when persons were charged with an offence they should be taken up to prevent their absconding? He would ask whether persons in our own country, or in any other country in Europe, when accused of an offence, were not bound to render obedience to the orders of the magistrates of the country? But this kind of conduct continued throughout. Captain Elliot arrived in Canton on the 24th of March. On the 25th he sent a letter to the Governor. The letter hardly could have reached the Governor before Captain Elliot seemed to have repented, and wrote to the Governor requesting that the letter might be returned, and an officer sent to him that all might be peaceably settled. Well, the Chinese Government sent not one officer, but five, three prefects, and two magistrates, and that, not once, but several times; but Captain Elliot did not to the last even show himself. On the 27th of the same month Captain Elliot ordered the surrender of the opium for the service of her Majesty's Government, and declared himself responsible on the behalf of the Government, to those who surrendered it. On the 13th of April he offered to the Portuguese Governor of Macao "immediate facilities on the British Treasury to any extent" for the purpose of putting the works at Macao "in a state of effectual defence, and for the equipment of a sufficient number of armed vessels." And here he wished to know whether Captain Elliot had authority for making this offer any more than any other consular agent has authority to draw on the British Treasury to any extent; whether he had any authority, direct or implied, to make this offer to the Portuguese government, "for the purpose of putting the works at Macao into a state of effectual defence, or for the equipment of a sufficient number of armed vessels?" The fact was, that in the one case equally with the other he had no authority at all for his conduct. With respect to the responsibility of the Government at home for Captain Elliott's acts, he was willing to rest the whole case upon the declaration of Lord Palmerston, made by him in writing to Captain Elliot on June 15, 1838. The noble Lord said:—

> "Her Majesty's Government cannot interfere for the purpose of enabling British subjects to violate the laws of the country to which they trade. Any loss, therefore, which such persons may suffer, in consequence of

the more effectual execution of the Chinese law on the subject, must be borne by the parties who have brought that loss on themselves by their own acts"

After that letter of Lord Palmerston, the case of Captain Elliot, in his opinion, had not a leg to stand upon. That letter was an express condemnation of the whole of the case. With such a document proved against it, nothing could prevent its being hooted out of any court of justice in the country. How was it, then, that Captain Elliot and his acts were still supported by the Government? He would like to know, too, when that despatch was received by Captain Elliot, and why it had not been promulgated? If it had, the evils which they were then deploring would never have taken place. But then the blame was attempted to be thrown upon the Chinese Government. In answer to this, he would request their Lordships to consider themselves in a similar position to that government, and then reflect what would be their course. Would they basely, meanly, ignominiously submit to see their laws violated by a handful of reckless individuals who despised the customs, usages, and laws of the country, as well as the edicts of its magistrates; or would they consider themselves bound to give up their independence and submit to any terms that a foreign people might choose to dictate. If they were not sunk and fallen to be the lowest of the creation —if they determined to vindicate their own laws and ordinances from repeated insults, how would they have acted according to the Chinese calm method? In October, 1836, edicts were in existence declaring capital punishment to be the penalties for dealing in opium. The law now in force was, therefore, not an *ex post facto* law as had been said. He would willingly have referred to that edict, but he found it was not in the documents which had been published by order of Government. However, Captain Elliot certainly ought to have presented that document to the Government here. If he had not done so, he had neglected his duty. The document provided as an alternative that persons found dealing in opium might be sent to be slaves to the military on the confines of Tartary. What would be the consequence of an infringement of such a law in England? By the last statute for preventing smuggling, the 3rd and 4th William 4th, c. 53. sec. 44,

"Every person who shall assist, or be in any way concerned in the illegal removal of any goods from any warehouse or place of security in which they shall have been deposited, shall forfeit either the treble value thereof, or the penalty of 100*l*."

Such was the treatment awarded to smugglers by the laws of England, and if the Chinese had acted on a similar plan, they would have confiscated not merely the value of the opium which was seized, but treble the value. The Chinese, therefore, acting as they had done, had not acted up to the spirit of their own laws; they had not acted in the spirit of our laws, they had acted with kindness instead of rigour in all their proceedings with respect to the trade in opium, and to those who ought to have been punished for violating their laws, and there was, therefore, no ground of complaint against them. But it was asked, why had they not resorted to their old system of stopping the trade? The reply was, because that would have been to punish the innocent along with the guilty, for to stop the trade would have punished the ship-owners, and the owners of goods shipped for China from this country, and many other persons who were not guilty of any offence against the government of China or its edicts. In this respect; therefore, the conduct of the Chinese government was kind and considerate; indeed, he was at a loss to know to what the general terms made use of in her Majesty's proclamation referred, in which it was stated that injurious proceedings had been taken by the officers of the Chinese government against her Majesty's officers and subjects. He (Earl Stanhope) did not know what these injurious proceedings were. He thought that the opium smugglers had been treated by the Chinese government with more kindness than if they had been proceeded against either according to the spirit of the English or of Chinese law. Then, again, if reprisals were necessary on our part, why had not the Americans made reprisals? Was it because they were less careful of the national honour? Or that they were less able to resent an insult than the British; or that they were less prepared for war? The fact was, they were better prepared than we; they had no national debt to cripple their resources; and whatever the noble Earl opposite might think, their navy was far more formidable than ours; and, moreover, it was manned by British seamen. Then, as to the stoppage of trade, it must not be forgotten that if Canton was the only place where the trade could be carried on, in consequence, among other reasons, of the necessity of constant communication with the Hong merchants; and if Captain Elliot was responsible for the departure of the merchants from Canton, as he undoubtedly was, for he ordered it, then Captain Elliot was properly responsible for the cessation of the trade. But what was his course afterwards? He had read in the papers on the table for the first time, that a British officer, forgetful of the flag under which he served, and which had never before had a stain, had thrown himself upon the protection of an officer of the Portuguese Government, the governor of Macao. For his part, he must say, that sooner than have thrown himself upon a foreign officer for protection, there was no extremity of difficulty or danger which he would not have gone through. This expedient, too, was resorted to for so light an object as the gain of a little time merely, for three days afterwards he applied to the Governor-general of India for

> "As many ships of war as can be detached and armed vessels;" "the whole to be instructed to conform to my requisitions."

The application, however, did not seem to have been very successful, and he had no doubt, while the conduct of Captain Elliot was such as he had attempted to describe to their Lordships, the Governor-general of India would hesitate to entrust Captain Elliot not only with the control of as many ships of war as could be detached, but with that of a single man-of-war's boat. Their Lordships would next find Captain Elliot, on the 5th of September, allowing that he was "responsible for causing the first shot to be fired" at Kow Lune; and he spoke of

> "Those feelings of irritation which have betrayed me into a measure that I am sensible, under less trying circumstances, would be difficult, indeed, of vindication."

Difficult! He might have said not that it was difficult, but that it was altogether impossible to vindicate such conduct. He attacked the ships at Hong-Kong without justifiable cause. It might be true that the bond which the Chinese government required to have signed was improper; but if it was considered a decided objection to the continuance of traffic with them, how was it that the Americans, who refused to sign that bond, still continued their residence there? Undoubtedly Captain Elliot had this duty to perform—to give warning to the captains of British ships of the new situation of difficulty and danger they were likely to be placed in, and then to leave them to act upon their own discretion. Captain Elliot complained of the extreme inconvenience of the submission of the Americans; but he afterwards found it not only convenient, but very profitable, to the Englishmen in that part of the world; for it enabled them to make a transshipment of their goods into American vessels. It was but just to state that the Americans participated in a much less degree than the English in the guilt attending this traffic in opium. From a paper laid before the Chamber of Commerce it appeared that the proportion of opium introduced into China under the English flag was one-half, and under the American flag one-thirtieth; and the American subjects were formally warned that the trade in that article was not sanctioned by the American Government. Their Lordships were aware that an affray, in which three Chinese subjects lost their lives, took place at Whampoa; and Captain Elliot expressed his readiness to assist in the discovery of the guilty persons. But the measures which he adopted could not by possibility have led to such a result, for he seemed to have expected among his own crew not only witnesses, but accusers also. He ought to have required the presence of those Chinese who had witnessed the affray, and have identified the murderer, and the investigation should have been carried on in the presence of the representatives of both nations. The Chinese government, therefore, were justified in saying that they would not allow foreigners to remain in their territory who, after the murder of a Chinese subject, declared they could give no redress. Captain Elliot at length proposed, when too late, a joint investigation, congenial to the customs of both nations, and the Governor of Canton replied, that as soon as the witnesses were able to confront the parties, there would be no difficulty in discovering the murderer. Captain Elliot next proceeded to declare a blockade, because a boat sent up the river by British subjects did not return at the expected period, and he concluded that it had been detained by the Chinese. Subsequently the boat reappeared, and the blockade was declared to be raised; but in the mean time a circumstance of some significance had occurred, though it was not communicated in Captain Elliot's despatches. The American merchants at Canton formally protested against the blockade, and declared that they should hold Captain Elliot responsible for the loss of life and property thereby occasioned. Then again Captain Elliot had issued a paper, denouncing the opium trade, but that document which would have satisfied the Chinese authorities if it had been published in proper time, was issued too late, and had the appearance of being a subterfuge. Again Captain Elliot had engaged in a contest with the Chinese fleet and had sunk three Chinese junks, which was not the way to restore the interrupted harmony. He should say nothing respecting the evil effect of the opium traffic, because they were sufficiently known, but he would make a short statement as to the extent of the mischief produced among the Chinese population by the importation of opium. It had been computed by Dr. Sigmond, who had paid much attention to the subject, that the smoke of about three grains and a-half of opium, which might be inhaled at a single inspiration, was sufficient to produce intoxication, and that the daily consumption of a confirmed opium-smoker was thirty-one grains. The quantity of opium imported into China was sufficient to supply 12,000,000 of smokers annually, or, in other words, to send so many human beings to another world at no great distance of time. A recent traveller in China had stated that it was estimated that, in the year 1836, the quantity of smokable extract prepared was 32,200,000 taels weight, and this was supposed to have supplied about 12,500,000 of smokers during the year. What was the character of the population among which this poison was introduced? China was not a state narrow in its limits, or small in its population. It contained about 1,200,000 square miles, and, he believed, a population of about 400,000,000 souls, equal to nearly two-fifths of all the inhabitants of the globe. The Chinese were not a barbarous nation, though if they were, they would, like all the members of the human family, be entitled to justice and protection; but they were a people not only the most numerous and most ancient, but the most industrious, intelligent, and ingenious; the best educated that ever had existed either in ancient or modern times; adorned by amiable qualities, by a constant cheerfulness and good humour. But it was said, that this trade could not be prevented. True, and neither could the slave trade be prevented, yet their Lordships had thought right about thirty years ago to cast from them the infamy and guilt attending that iniquitous and nefarious traffic. Their Lordships could not prevent slavery, but they had deemed it right to make an enormous sacrifice of money in order to have the satisfaction of knowing that slavery no longer existed in any part of the British kingdom. Among other idle observations, it was said, was it intended that the British Government should establish a sort of coast guard or preventive service for the empire of China? Unquestionably not. But it was desired that British subjects should be prevented from violating the laws of that country, and trampling on the most solemn obligations; that they should be prohibited from doing that which was not only disgraceful in its nature, but detrimental in its consequences to the interests of this nation. The illicit traffic in opium was injurious to the legal trade of this country with China, for, as the exportation of opium from the British dominions increased, the exportation of other commodities decreased. Their Lordships were aware that loud complaints were made in the manufacturing districts respecting the decay of trade. Let them, then, take care, lest, by the measures adopted against China, the distress now existing should be increased. Could it be a matter of indifference that, conjointly with the loss arising from what was called the great penny-postage stamp scheme, there should also be a sacrifice of 4,000,000*l.* of revenue formerly collected on Chinese merchandise? In addition to this, if hostilities against China were to stop to-morrow, new taxes would be required for the payment of the expenses already incurred in preparing the expedition. He wished to warn their Lordships of the consequences which must ensue if our Government attempted to blockade the river of Canton. If the Americans recognized the blockade, the whole China trade would be lost to this country, as well as the revenue derivable therefrom, and the consumption of an article, which had become one of the first necessaries of life, would be prevented in this country.

If the Americans did not recognize the blockade, and the British attempted to enforce it, the former would have no difficulty in putting an end at once to all disputes respecting the frontier in North America, and ending for ever all discussions in their Lordships' House and elsewhere, with respect to Canada, by wresting from England the whole of her remaining possessions in that part of the world. He was informed, that a noble Secretary of State, on being asked what was the object of the war with the Chinese, replied—"Indemnity, satisfaction, and improved intercourse." With respect to indemnity, the noble Lord ought to have recollected what had been stated by one of his own colleagues in these despatches respecting Chinese affairs—that

> "Those who violated the laws of the Chinese empire must do so at their own risk."

As well as what had been stated by Captain Elliot, who in his despatch of the 28th of November represented—

> "The stock of opium given up to the Chinese as nearly useless, and its confiscation as a measure nothing short of salvation to the opium trade generally considered."

He feared that this aggression against the Chinese, though recently committed, had not been so recently imagined. He feared it had been mainly induced by a notion that the Chinese government was weak, as a military power, and unprepared for defence. Whether this was or was not the case, could only be known by the result; but he could not believe, until events forced him to believe it, that a people unbounded in population, animated by the purest patriotism and by the most enthusiastic attachment to the laws and institutions under which they had enjoyed prosperity and peace, that a population pre-eminently distinguished above all others for intelligence and sagacity would succumb to the outrage meditated against them. The British might commit acts of piracy and murder on the coast of China; their progress might be marked by fire and blood; but they would be doing that which was abhorent in the sight both of God and man, and would call down the vengeance of Heaven on their heads; and if, as he believed, the loss of their Indian empire should be the result of a war, unnecessary and unjust, this would be but a small retribution for their crime. But, whatever the result of the war might be, it would be a war of most flagrant injustice, utterly indefensible on the only principle upon which war, with all its calamities and horrors could be justified:—*Justum bellum quia necessarium—pia arma quibus nulla nisi in armis salus.* The necessary effect of this war would be not only to retard, but to prevent, if not to render altogether impossible, the propagation of the Gospel in China. The people of that country would be led to view the missionaries merely as canting hypocrites or vile impostors, seeing that the English brought the Bible in one hand and poison in the other. He had thus endeavoured to show that the opium traffic had been the sole cause of the war which had already commenced; that it was dishonourable and disgraceful in its character, detrimental to all the interests of this country, and an infraction of all the rights of independent states, which, whether great or small, powerful, or powerless, it was the duty of this country alike to respect. He had also pointed out some of the consequences which were likely to flow from it; and he entreated their Lordships to join with him in voting for an address to her Majesty, the object of which was to prevent the continuance of this traffic, and thus to establish the only firm and secure footing on which commercial intercourse could exist between the two countries. Having discharged his duty, however feebly and imperfectly, in bringing this subject before their Lordships, he should certainly take the sense of the House upon the motion, however small might be the number who should divide with him. He now begged to move—

> "That an humble address be presented to her Majesty, to express to her Majesty the deep concern of this House in learning that an interruption has occurred in the friendly relations and commercial intercourse which had so long subsisted with the Chinese empire; and to represent to her Majesty that these calamities have, in the opinion of this House, been occasioned by British subjects having persevered in taking opium to China, in direct and known violation of the laws of that empire; and to request that her Majesty will be graciously pleased to take immediate measures for the prevention of such proceedings, which are so dishonourable to the character, and so detrimental to the interests of her subjects; and to assure her Majesty, that if any additional powers should be found requisite for the purpose, this House will readily concur in granting them to her Majesty."

Viscount *Melbourne* said, the noble Earl had commenced his speech by making two promises, one of which was, that he would discuss this matter with perfect coolness, calmness, and temper, and without any political or personal allusion whatever; the second, that he would occupy but a small portion of their Lordships' attention. He did not think the noble Earl had kept the first of these promises; he felt perfectly certain he had not adhered to the second. Yet, considering the great importance of the subject, the number and length of the documents to which it was necessary to refer, perhaps, the noble Earl had not taken up more of their Lordships' time than was requisite to elucidate and discuss the question. The noble Earl began by laying down the principle, that a foreigner was bound, at all times, not only to respect, but to pay much more implicit obedience to the laws of that country in which he resided than even to his own. This certainly was somewhat startling in sound; but unquestionably there was much truth in the observation, because a foreigner might by his acts affect the question of peace or war between the country in which he resided and his own—a responsibility which did not rest upon him while at home. It was, therefore, the moral duty of every individual residing in a foreign country, to pay deference, obedience and respect to its laws; but whether the high degree of morality was to be expected of those who were engaged in the pursuits of gain he must leave their Lordships to determine. There was another observation made by the noble Earl in the commencement of his speech, in which he entirely agreed. —it was not for us to inquire into the sincerity of the Chinese government, and whether they were really actuated by the high motives of morality they professed or by the apprehension of losing the circulating medium by an undue exportation of silver. The law of that country being known, it should be respected, and no country should encourage or abet in its subjects the violation of the laws of another. At the same time it was matter of question how far one country could enforce the prohibitory laws of another, and how far the Government of the one could prevent the violation particularly of the fiscal, revenue, and protective laws of the other. This introduced quite a new consideration, which went to the very root of the present question. He did not quite agree with the noble Lord's political economy, although it was borrowed from the Chinese Minister, with respect to the great detriment that empire must suffer from the exportation of its silver; but it was not necessary now to enter upon that subject. The noble Earl stated what was no doubt true, that for a long series of years, as appeared from various parts of this correspondence, there had been very strong intimations, symptoms not to be mistaken, that matters were coming to a crisis with respect to the opium question, and that it was almost impossible something should not take place in relation to it. But the noble Lord said there was great fault on the part of the Government in not sending out instructions suitable to the emergency. He maintained there was no fault whatever in the conduct of the Government in that respect. It was quite impossible, looking at this correspondence, to point out any period at which instructions could have been sent out which would not have found a state of circumstances wholly different from that which must have been contemplated at the time they were determined on and framed. And their Lordships would recollect, looking at these matters, that the trade in opium, increasing to a vast extent, had attracted the very serious and deliberate notice of the Chinese government. It was quite clear something must be done, but it was quite uncertain what would be done. It was a question whether the trade would be prohibited or legalized. The noble Earl had read an extract from an exceedingly able paper drawn up by a person whose name he would not venture to pronounce, strongly urging the legalization of the trade in opium. It was generally supposed that in the government of China there was a considerable contest on the subject. He had even heard the majority stated by which the question had been decided. Unquestionably it had been very long in debate and discussion, and it could not be anticipated what the decision would be, and no doubt the expectation that the trade might be legalized had led to an increase of speculation in the drug. The opium trade was an old Indian monopoly. It had been adopted by Lord Cornwallis in 1787, with the view of protecting the revenue, without reference to the Chinese market, and without considering the political advantages or difficulties that might ensue. Upon looking into the subject on Indian finance, when it was detailed year by year to the other House of Parliament, their Lordships would find that Java and the other Dutch islands were the markets for the vend of opium; and the revenue was collected with reference more to the political relations of this country and Holland than with the view of smuggling it into China, A Dutch war interrupted the trade more than any prohibition. The trade with China was open till 1796, when the importation of opium was prohibited. The importation was then very small; it had since grown to a great amount. The noble Earl complained of the want of adequate instructions. In no view could instructions more definite have been sent out than those which were to be found in the despatches of his noble Friend, the Secretary for Foreign Affairs. The noble Earl confined the charges against his noble Friend to this point, but he had made a most severe, bitter, and in many respects most unjustifiable attack on the gentleman to whom were committed the interests of this country in that quarter of the globe, and who had conducted himself throughout with the greatest coolness, ability, and judgment. It afforded some presumption in favour of Captain Elliot, that considering the nature of the debate, and the asperity with which the whole of this question had recently been discussed in all its bearings upon the Government, no complaint had been made; on the contrary, there was a general assent as to the prudence, propriety, and wisdom of that officer's conduct in the trying and novel circumstances in which he had been placed. The noble Earl said, the Government was responsible for the acts of Captain Elliot, if not by previous instruction and authorization, at least by subsequent approbation. That most distinctly was so. Considering the situation in which Captain Elliot was placed—considering the novelty of the circumstances with which he had to deal, and the dangers by which he was surrounded—he was not prepared to say, that every act was precisely the best that could have been suggested, but at the same time he was very loth, at so great a distance and in ignorance of the circumstances, to pass any censure upon him; on the contrary, so far as he could form a judgment, that officer appeared to have conducted himself with the greatest judgment, the greatest prudence, the greatest firmness, and the greatest resolution. He did not wish to say anything against the character the laws, institutions, and character of the Chinese. The noble Earl seemed evidently to be strongly impressed with admiration of that country, their laws, institutions, and the whole of their conduct; and he seemed to think that the whole duty of Captain Elliot was to carry into effect the laws of the Chinese, not to afford protection to her Majesty's subjects, whose interests were committed to his care. Instead of sheltering Mr. Dent, the noble Earl seemed to think that it was the duty of Captain Elliot to send him before the High Commissioner. But violence being apprehended, that officer had acted most wisely and firmly in determining that Mr. Dent should not surrender. The noble Earl ascribed the banishment of the English from Canton and the cessation of their traffic to the conduct of Captain Elliot; but, considering how they had been surrounded and imprisoned, and threatened to be deprived of all sustenance, it was his duty to do his best to deliver them from the danger and violence to which they were exposed. Captain Elliot's application to the Portuguese governor of Macao was also, under the circumstances, perfectly justifiable. The firing on the junks at Hong Kong was certainly his most imprudent act; but, considering the circumstances in which he was placed, the irritation to which he had been subjected, and the fact that he could not obtain the supplies he sought for, even if there had been some imprudence in the act, he did think it should be entirely overlooked and considered in no degree blameable. The same might be said of the blockade established, because he thought a boat's crew had fallen into the hands of the Chinese, and that measure was considered necessary to extricate them from the dangerous situation in which they were supposed to be placed. The noble Earl had addressed to their Lordships a great deal of declamation connected with this subject, and asked whether he was indifferent to the present state of our relations with China, and the condition of our revenue at home. He was not insensible to those matters; he felt their importance and their difficulty, as much perhaps, as the noble Earl could; but when the noble Earl called upon their Lordships to agree to this address, at once to put an end to any hostilities at present meditated or likely to take place, he must ask whether there was any ground to suppose that if agreed to it would produce any such effect? On the contrary, it must have an entirely different effect, not only on any hostilities that might take place, but on any negotiations which might be instituted by the country. He (Viscount Melbourne) was sorry that the use of opium prevailed in China, just as he was sorry that intoxication by means of ardent spirits existed in this country; perhaps he did not go quite to the same extent as the noble Earl, who maintained the principle of total abstinence, and probably considered temperance as a greater heresy than excess; but as far as regarded the intemperate use of stimulants or narcotics, he (Viscount Melbourne) deplored it as much as the noble Earl. He was unquestionably sorry that the trade in opium had grown up to its present extent, he was sorry, although no fault could be charged upon any one for it, and he felt great concern and regret when he saw the government was so connected with the cultivation and export of the drug; and, although he was not prepared to give a pledge that the cultivation should be discontinued, still he felt concern that a system should be pursued which, in the eyes of the world, identified the Government of this country in some degree with the propagation of the evils arising from the use of opium. But he begged the noble Earl and their Lordships to consider what was the actual state of the question: here was a great empire, of immense extent; and if we were to believe the accounts which were given of it, of a still more immense population, whose desire for this drug was unlimited. It was found he believed, among all nations in which the use of wine and spirits was either prohibited by religion or discountenanced by custom, that the want was supplied by stimulants of another kind. It was said by some that the means taken in this case to supply the want were more deleterious than the use even of ardent spirits; that he could hardly conceive to be the case. The statement certainly surprised him very much. Of course, his surprise could not be put in competition with actual proof, but he should be astonished if the case against opium was as strong as that against ardent spirits or fermented liquors; in the first place it was not so palatable. The reason why wine and brandy were so dangerous was, that exclusively of the excitement and feeling of satisfaction which they produced, they were very agreeable to the taste. It was the union of these two qualities which made it so difficult to refrain from the use of spirits and fermented liquors, although it would perhaps be better for our health if we did. But these inferences of course could not contradict facts, and it was said that opium was sought for with an avidity almost uncontrollable. There was then an empire in which this demand existed, and there were territories of our own in which there was an almost unlimited power of raising the poppy from which the opium was prepared; besides this, there were great independent states in which the cultivation had been increased to an unlimited degree. If we limited the growth of the poppy in our own dominions, how could we put a limit to its growth in independent states? He imagined it was not proposed to do more than limit the growth; it could not be absolutely forbidden, for it furnished one of the most powerful drugs with which we were acquainted, and the physician could less dispense with it than with almost any other. It was one of the most powerful remedies for numerous diseases which science had discovered and art applied. Suppose, then, we succeeded in limiting the growth of the poppy in our own dominions, or even throughout the peninsula, still along the whole line of the Indus, through the Punjab and Scinde, the trade would continue, and when the drug was to be had, it could not be supposed that our traders, who were as adventurous as any in the world, would not be engaged in carrying it to a profitable market. If the address were carried, it would only hold out delusive expectations which we should never be able to fulfil, for we should not have the power of restraining our own subjects from smuggling opium, and we should incur the disgrace and reproach of trying in vain to suppress the trade, and we should be accused, as we had been on former occasions, and particularly with reference to the slave trade, of having made these demonstrations without any serious intention of putting down the traffic, but for the purpose of deterring others from engaging in the trade, in order that we might gain greater profit from it ourselves. He thought that their Lordships hardly intended to interfere at present by an address to the Crown with the measures which were about to be taken for the purpose of bringing the dispute with China to a satisfactory conclusion, and he begged leave to say, that this address, if carried, would be considered as a vindication of the conduct of the Chinese authorities, and as a complete declaration in their favour. It would also have the effect of anticipating one of the principal terms which we should have to offer, supposing the measures now in progress led, as he hoped they would, to a speedy negotiation with the Emperor of China. By agreeing to such an address their Lordships would probably be throwing away one means of gaining an advantage in that negotiation. He thought the address was not quite correctly framed; it commenced by expressing to her Majesty the deep concern of this House on learning that an interruption had occurred in the friendly relations and commercial intercourse which had so long subsisted with the Chinese empire. More could not have been said if the address were speaking of Austria or any other power with which we were engaged in alliance. The address was next "to represent to her Majesty that these calamities have, in the opinion of this House, been occasioned by British subjects having persevered in bringing opium to China, in direct and known violation of the laws of that empire." He (Viscount Melbourne) admitted, that the interruption of our relations had been occasioned by the opium trade, which had been the immediate cause of bringing the matter to a crisis; but that trade had been carried on and had increased by the connivance of the Chinese authorities at the place where it was carried on. One high functionary, to be sure, was anxious for the honour of the emperor and the supreme government, and declared that he had never taken any part in the proceedings, but had been firm as the polar star; but still among the imperial mandarins there was a general connivance at the trade, and, in fact, it was only by means of such connivance that the trade could possibly have arrived at the extent which it had reached. It was, therefore, hardly fair to ascribe the whole evils of the traffic to the obstinate perseverance of English traders. The address was to conclude by requesting that "her Majesty will be graciously pleased to take immediate measures for the prevention of such proceedings, which are so dishonourable to the character and so detrimental to the interests of her subjects, and by assuring her Majesty that if any additional powers should be found requisite for the purpose, this House will readily concur in granting them to her Majesty." This appeared to be the most objectionable part of the proposed address, for it held out expectations which there was no prospect of fulfilling. It would be a mere delusion. There were great difficulties in the way, the traffic being of great extent, and the habits on which it depended inveterate. He was of opinion that it should receive serious consideration whether a better system might not be introduced, which would give less encouragement to the traffic, and have less the appearance of connecting it with the Government of this country; but, seeing at present no means of accomplishing this, he could not give any further pledge on behalf of himself or the Government.

The Duke of *Wellington* felt as strong objections as the noble Viscount did to the interference of the House in a question of this description. He should therefore propose to their Lordships to vote for the previous question. He desired to give no opinion as to the course which ought to be followed in negociating with China. He thought the House ought not to interfere and decide upon the present discussion that the Chinese government and the Chinese authorities were right, and that her Majesty's subjects and her Majesty's superintendent of trade upon the spot, and her Majesty's Government at home, were wrong. He said that that question was one on which he desired that the House should forbear giving any opinion. It was a question on which he was not himself prepared to give any opinion. He might be prepared with the knowledge which was to be gathered from the blue books and the documents which were before their Lordships, but he did not know the force, he did not know the means, he was ignorant of the resources which could be brought to bear in order to avenge the insult and injury which we had sustained, supposing an insult had been offered to her Majesty and an injury had been done to her Majesty's people. Therefore, he entreated their Lordships not to give any vote on this address, being determined himself, if he could not prevail upon their

Lordships to vote for the previous question, to give no vote at all, because he would not make himself responsible for a war or for operations, without knowing what means there were for carrying on operations; nor, on the other hand, would take upon himself the responsibility of advising her Majesty and the country to submit to an insult and to injuries such as he believed had never been before inflicted on this country. [*Hear.*] He could prove it. He maintained that such insults had never been offered to any person residing under the protection of a foreign Government as had been offered to her Majesty's superintendent on the part of the Chinese authorities. It was perfectly true, as had been stated by the noble Earl, that the opium trade was carried on contrary to the laws of China, but it was carried on with the knowledge of the local authorities upon the spot where the trade was carried on. They received large payments by way of bribes or duties, or possibly both, on the importation of opium for admission into the ports of China. This fact appeared by the voluminous and very able report upon their Lordships' table. This report showed, that the existence of the trade, although forbidden by law, was perfectly well known to the authorities, to the Emperor himself, and to the principal servants of the Government for many years, and that a discussion had continued for many months upon the question, whether the trade should be allowed and continued with a duty, or discontinued altogether. He was sure that the noble Earl, who contended so strongly for the morality of the empire of China would not contend that the morality of the empire, so far as it was affected by the consumption of opium, would be at all improved by the circumstance of the drug being introduced at a large duty, instead of being introduced by means of smuggling and bribes paid to officers of the Government, and being brought from the exterior to the interior waters in mandarin boats—that was, by boats either in the service of Government, or, at all events, under the charge of its officers. He did not see the force of the noble Earl's argument with respect to the illegality of the trade, when it was as clear as possible, that it was known to the Government of China, and that no steps were taken to put it down, and that when it was finally put down and discontinued, it was only because it was supposed to occasion the export of a large quantity of native or sycee silver. Neither the noble Earl nor the noble Viscount had adverted to a report from Captain Elliot in the month of February, 1837, stating that, at the same time, the export of native silver was prohibited, and the trade in opium would be continued and legalized. Now, while the noble Earl was addressing their Lordships, he (the Duke of Wellington) had looked for the date when that report was received, and he found that it was received in the month of November, 1837; so that up to this period, at all events, the Government in this country had reason to believe that the trade would be allowed to go on. With respect to the trade in opium, as far as British interests were concerned, he conceived that the question must be looked at in another point of view. The trade was well known to the Government of India; it was well known to both Houses of Parliament; it was well known to her Majesty's Government, as well as to the Government of the East-India Company, and to the Governments preceding the present Administration. He had sat upon a committee in that House to inquire into this, among other branches of trade, and he declared that one of the great objects which they then had in view was, that this trade in opium should be continued after the monopoly of the East-India Company was done away with. Questions were put to the witnesses, whether it were possible to extend the trade of India, particularly that branch of it which consisted of the trade in opium; and in the report of the committee of the other House of Parliament it was expressly stated to be desirable that the opium trade should be continued. Under these circumstances it was really a little hard to turn round upon these merchants, and to say, they had been guilty of an offence for which they ought to be punished, not only by the loss of their property, but by being absolutely abandoned by their own Government—to tell them that they had been the cause of the war, and of these great misfortunes, and that they should never have any redress whatever. He, for one, could not see the justice of such a proceeding. He wanted to see what it was that had immediately caused this war. He saw clearly it could not be opium. He wanted to see what was the cause of the war, and, then, what were the means of carrying it on, and what resources there were, before he ventured to give any opinion on the subject. And he did entreat their Lordships to avoid giving any opinion until the last moment, either on one side or the other, and until they knew more of what were the real intentions and objects of the Government. It would then be their duty to take that course which they thought proper, and he hoped it would be to give the Government that support which they ought to receive, if the war was a just and necessary one. In the mean time, it would be better for their Lordships to avoid coming to any vote on the subject. He had been the more anxious concerning it, because he must say, that he had not for a long time read accounts of such proceedings as had taken place at Canton on the subject of the surrender of this opium; and even after the commissioner had taken upon himself to order the surrender of all the opium in the possession of her Majesty's subjects, whether belonging to themselves or consigned to them by others at a distance, and after arrangements had been made for delivering it up to the officers of the Chinese Government at Canton, he declared he never had in his life seen on the part of the authorities of any country such language as had been written to Captain Elliot by the officers of the Chinese Government. The noble Earl had talked of provocation having been given to the Chinese government by the language of British subjects. Why, there might have been such provocation, but he saw plenty of provocation given by other nations. At the same time, he never heard of a person filling a high station in another country being treated in such a manner as Captain Elliot had been treated by the authorities of the Chinese government at Canton. He said, as an Englishman, he had passed fifty years of his life in the honourable service of this country. and he could not bear to see that a servant of the British Government doing his duty in his situation at Canton should be treated in a manner and with language such as that which would not have been used to the meanest criminal in any other country in the world. Captain Elliot had been charged with an attempt to deceive, with every meanness and low conduct that could be imputed to any man; he had been cut off from all provisions, from all means of subsistence, from almost all the common comforts and decencies of life; and this, in order to force him to do what?—that which this gentleman stated he was ready to do—viz., to surrender the whole of the opium into the hands of the Chinese government; and, in point of fact, he did so surrender it. His noble Friend had stated that this war, or this war that is to be, was to be attributed to the opium trade; but there was no British opium in China at the time these other outrages were committed. At the time when the language he alluded to was held, it was so he would admit, and, as far as he was able to judge, would have been the cause of war; but at the time he was now speaking of, there was no such thing; the Chinese had got orders for the whole of it, and a gentleman had gone down the river to deliver it all over to them. In fact, they had got it all, and it had either been sent to Pekin, or had been destroyed. But the war had risen out of another set of circumstances, and first of all, a claim for the surrender of Englishmen to be put to death, because a Chinese had lost his life in an affray. That was one cause of the war. Captain Elliot had, as became him as an officer, inquired whether or not any of certain persons who had been on shore had been guilty of this murder; and the result of that inquiry was, that he could not bring it home to any one nor had he reason to suspect any one. The Chinese government, however, still insisted on it that those six men who had been on shore were to be given up, although Captain Elliot had made inquiry, and declared that there was no reason to believe that any one of them had been guilty of the murder of the Chinese. And this was one of the causes of the war. Another cause was, that a promise had been made that matters should be restored to their former state in proportion as the opium should be delivered up; that the British inhabitants should resume the use of their servants; that they should have the common comforts of life, provisions, and that which was necessary for their subsistence; and, finally, that trade should be opened, and matters should return to their usual course. Having received that promise, it was discovered that this Chinese had lost his life in an affray with American seamen as well as Europeans, who were on shore at the time. And then there was advanced a fourth proposition, which was this—that the captain of every vessel proceeding to the Canton river, was to sign a bond, submitting himself and all on board his ship to be dealt with according to the law of China. The noble Lord had found fault with Captain Elliot for interfering in this matter, and in another matter also; but that appeared to him most extraordinary, and tended to prove, that the noble Lord, although he had paid great attention to that particular book which had been laid on their Lordships' Table, was not very well acquainted with former transactions in that country. Had he been so, he would have found, that the traders had invariably refused to deliver up their men, and would rather have broken off the trade than give up British subjects to be dealt with according to the law of China. He was of opinion that Captain Elliot did no more than his duty, and the manner in which it was done was much to Captain Elliot's credit, because it showed great firmness on his part in resisting the demand. He said it would have been most unjust if Captain Elliot had given up those six men to be dealt with according to the laws of China—to be put to death—when he was convinced, from the inquiry he had made, that none of them were guilty of the crime with which they were charged. Then there was another circumstance for which captain Elliot was blamed, and that was the protection that he had given to Mr. Dent. After it had been said that the opium trade should not be continued, it was supposed that this Mr. Dent had been a party very much concerned in it, and had made a large fortune, as he believed many had, in this *illicit* trade; and Captain Elliot was blamed, because he, her Majesty's representative in that country, the superintendent of our trade, and charged with her Majesty's affairs in chief in China, should have stepped forward and said he would not allow that gentleman to be given over to the Chinese government to be treated as they might think proper. He should be ashamed of the name of an Englishman if he could have found one in her Majesty's service capable of giving up a gentleman under such circumstances. It was his duty, he would say, to protect Mr. Dent, ay, even to shedding the last drop of his own blood. He had no right to give up that gentleman, who was living under the protection of the British Government in China. It was his duty to protect him, he did protect him, as he ought to have done; and he (the Duke of Wellington) should ever approve of his conduct. It would have been impossible for him, it would have been a total dereliction of his duty, if he had given up Mr. Dent to be destroyed by the Chinese government. Then the noble Lord told their Lordships there was a great deal of difficulty on the subject of this fourth proposition, as the Americans had accepted it. But the Americans had also given up their seamen, on former occasions, to be dealt with according to the Chinese law. He was sorry for it. He wished they had not done so. They would have done better to have taken a leaf out of our book, and to have followed the example of the East-India Company, by putting an end to trade rather than risk the life of one of her majesty's subjects by giving him over to such authorities. These were facts which he now brought under the notice of their Lordships; but he would intreat their lordships not to pronounce an opinion on the subject to-night, not to interpose their authority in respect to transactions of this description, so as to encourage a notion that their Lordships had cast blame on an hon. officer engaged in these transactions. Captain Elliot had been placed, from the very commencement of the period when he undertook this service, in a very unfortunate and critical position. He confessed that from the beginning he had never approved of the system on which we had been acting with regard to China. What his opinion was originally he had already stated to the House. There were present on the records of their Lordships' House amendments moved by him to the China Trade Bill, and the other bill connected with China, in order to induce the Government and Parliament to continue the trade in the hands of the East-India Company simultaneously with her Majesty's subjects at large, and to leave in the hands of the East-India Company most particularly the management of the whole with the Chinese government at Canton. Some noble Lords now present would recollect that that was his opinion. He did not know whether that was also the opinion of many others; but that was the course which he then recommended, and he protested against the bill when it passed, because that amendment was not adopted. He was of the same opinion still, and he thought, if they looked through the history of our transactions in China, they would see that that opinion had been already confirmed. But that of which he particularly disapproved was, that the Government had not carried into execution themselves the measures which they chalked out originally, and which at this moment they had left undone. He did not mean to say, that the adoption of those measures would have entirely precluded the events which had happened, though he believed that would have had that effect; for, in our intercourse with China, we had made such an impression on the minds of the Chinese of justice and fairness in our proceedings, that we might have hoped to have avoided some of the violence under which we had suffered. Now, one thing that had not been done up to the present moment, had been the establishment of a court of judicature. That court had been repeatedly called for by every one of the gentlemen who had been in the situation of superintendent, and whose letters were contained in the volume of papers on their Lordships' table, and most particularly by Captain Elliot, and even up to the very last moment when his letters had been received. And the noble Earl should have adverted to that point in considering this question. The Act of Parliament gave to her Majesty the power of regulating the trade of her subjects in China by an order in council. Where was that order in council? There was no such order. That order in council had never been issued to this day. The noble Lord blamed the superintendent because he did not send away the ships as they came in—because he did not order the owners of those ships to do certain things; and at last it was said he found he had not the power of doing it. That was to say, when he came to the extremity of starvation, and he and all the British population wanted subsistence, he was under the necessity of prevailing with all of them to give up the opium, and of taking it in the name of her Majesty, undertaking at the same time that the Government should pay for all that was given up. But he had no authority by an order in council to enable him to perform that service. He performed it at his own risk; and this country and the Government owed him thanks for performing the service at that risk, and by an act of courage and self-devotion, such as few men had ever had an opportunity of showing, and probably still fewer would have shown. Then there was another thing. From the commencement of the period at which this gentleman had charge of the station at Canton, he had been crying out for a naval force. Those gentlemen who preceded him did the same. Mr. Davis did the same, and so did Sir George Robinson. He believed that, up to this period, there was no naval force at the station of the superintendent. The conduct of the Chinese, the threats that were held out at a very early period, even during the time of Lord Napier, all clearly showed that a large naval force was necessary; and all the superintendents had repeatedly desired to have the assistance of a naval force. It was necessary not only to give the superintendent the authority of a naval force in his political negotiations with the Chinese government, but it was also necessary for the management of her Majesty's subjects themselves. If their Lordships read the papers on their table with attention, they would see that some of her Majesty's subjects in China threatened that they would make war themselves with China—that they would fit out vessels to cruize against China in consequence of the seizure in the river of some of the smuggling boats. The authority of the order in council would have been necessary, as well as the naval force, in order to enable the superintendent to deal with those persons as he ought to have done; and it was possible—he did not go so far as to say probable—that if the superintendent had been strengthened as he ought to have been by means of a naval force to carry on his duty, it was possible, he said, that he might have prevented things going to the extent to which, notwithstanding all his efforts—and he (the Duke of Wellington) would admit that he had made all efforts in his power—things had gone, and might have made them go in the way in which they ought to have gone. Under these circumstances, he again entreated their Lordships not to agree to the address moved by the noble Lord; but to vote for the motion which he meant to submit to them—namely, the previous question. That motion did not call on their Lordships to pledge themselves in any way as to what might be done hereafter on this question of opium; and at the same time it did not approve of the conduct of China, of which they were asked to approve by the noble Earl. In respect to putting down the trade in opium, he did not see any right this country had to interfere with the Indian Government to put an end to the growth of opium in their territories. He did not know that this country had any right to interfere with the opium monopoly, or any part of the revenue of India. But that was another question. What this country had a right to do was, not to encourage illicit trade anywhere; it was not for this country to interfere with the revenue laws of China or of any other country in the world. If our merchants went to China, they should do as they did in Spain, or Portugal, or France, or any other country. Under the circumstances, he must vote against the motion of his noble Friend.

Lord *Lyttetton* agreed with the noble Duke, that the Chinese had now put themselves in the wrong, though they had formerly been in the right, and had thereby rendered war inevitable. British subjects had, however, originally caused the war, and blame must rest somewhere. By the terms of the noble Earl's motion, their Lordships were not called upon to discuss that question now. He could not look upon the war but with feelings of the deepest regret, and he could not sympathize with the feelings of exultation with which some persons talked of prosecuting this most rigorous quarrel to a righteous end. He feared that nothing deserving the epithet righteous belonged to it, and that nothing deserving the name of triumph would result from it, though he trusted that the issue might place our commercial relations with China on a fair and just footing with respect both to us and to the Chinese government. With great reluctance he must vote against the motion of the noble Earl.

Lord *Colchester* said, that though it might be difficult to enforce obedience upon our merchants to abstain from the opium trade, we might leave the Chinese government to themselves. Previous to the arrival of the Imperial Commissioner at Canton, an edict had been issued, the last of a series of warnings addressed to the foreign merchants, reminding them of former edicts against the opium trade, and of the execution of native offenders, and desiring them to send away the opium vessels, and confine themselves to lawful trade, or the Emperor would close the ports for ever. Of this warning our merchants took no notice. Under these circumstances, the Imperial Commissioner, on his arrival, considered which of two measures he should adopt—to expel the opium vessels by force, or to seize the merchants. It appeared that he had at first intended to adopt the former; but at length he sent for Mr. Dent, as the principal opium merchant, who refused to go. In this resolution to resist the order of the Imperial Commissioner, the merchants concurred, and ultimately Captain Elliot himself, who consequently identified himself with them. Although it might be contrary to our notions to confine foreign merchants to their own houses, yet it was not so according to the notions of the Chinese, in whose view the whole society had identified themselves with the opium trade. The Commissioner might be wrong in this; but at least he carried into effect the Emperor's edict, and seized the opium, without any shedding of blood, and by only confining the merchants for a few days. He could not agree with the noble Earl, however, that this was the only cause of the war. The Imperial Commissioner had been justified up to that point; but, as the noble Duke had said, he had done other acts which were not justifiable, and especially demanding an English subject in return for the life of a Chinese. The Chinese law of homicide should be attended to. By that law all homicides were considered capital crimes, not only such as were accompanied by malice, but any killing whatever. This was a state of the law which our merchants could never submit to, and which, in our negotiations with the Chinese, should be borne in mind. Much as he deprecated war, he trusted that our course of proceeding would be made so clear in the eyes of all Europe, that whatever might be the result, this country would be justified, and that no demand for remuneration would be made, still less an attempt to obtain territorial acquisitions.

Lord *Ellenborough* said, he should not have offered himself to their Lordships' notice if it had not been for an observation of the noble Viscount as to the conduct of the negotiation with the Chinese. The noble Viscount had objected to the last part of the address of the noble Earl, that her Majesty be entreated to prevent these proceedings in China, and to grant further powers to the superintendent for that purpose, the noble Viscount objecting that it would hold out delusive expectations, and he went further, and said that, by agreeing to it, their Lordships would embarrass her Majesty's Government in their negotiations with the Chinese government, and prejudice the whole discussion. He thought that this was a subject for serious consideration. If the noble Viscount was right, as he believed he was, that we could not prevent the smuggling of opium into China, how could it become a subject of negotiation, and how could we make any proposition to the Chinese government that we would endeavour to prevent the smuggling of the commodity—how could we do so in good faith, if it was impracticable on our part to prevent the smuggling? He trusted that in all our communications with the Chinese government we should act with perfect good faith. The noble Viscount had said he hoped that the opium trade would be placed on a different footing, and that the connexion of our Indian government with it would be made less apparent. He (Lord Ellenborough) did not understand that this was to be a principle of negotiation with the Chinese government, if it was, how could we offer that as a real proposition which was only to be apparent? But how could we make the connexion less apparent? The whole connexion of the Indian government with the opium trade was this:—The East-India Company gave leave to any one to cultivate the poppy, on condition that the opium should be furnished to the government at certain prices, and it was sold by the government at periodical sales, which yielded a monopoly profit of nearly 1,500,000*l.* a year. This was supposed to be an encouragement of the opium trade; a tax of 1,500,000*l.* a year imposed on opium was treated as an encouragement, whereas if a direct tax were substituted, the connexion of the government would still be the same. Was it to be expected that throughout the whole territory of India we should prohibit the cultivation of the poppy, giving up a million and a half a year paid by foreigners, and transfer the tax upon our own subjects? But it was well known that more than half the opium which went from India to China was Malwa opium, and if its cultivation in British India was prohibited, the quantity from Malwa would be doubled. This was not mere speculation, for the experiment had been tried. About 20 years ago, the East-India Company, endeavouring to monopolize the whole opium trade, entered into treaties with all the Malwa chiefs, except one, that the cultivation of opium in their territories should be diminished, and that the drug should be delivered to the company's government at a certain price. These treaties continued for seven or eight years, and what was the consequence? The system produced such a feeling of hostility to the East-India Company's government, and that of the native princes, that commissioners were despatched to inquire into the operation of the treaties, and, with the exception of one, they agreed in the necessity of abrogating them. But did the system prevent smuggling? Not in the slightest degree. The contraband opium was conveyed by a circuitous route by Bhaugulpore and Omerkote, descended the Indus, and was carried to the Portuguese ports of Diu and Demaun, and thence exported to China. At that time no less than 4,500 chests a year went to China in this way. He well recollected, 11 or 12 years ago, entertaining a notion that the system of smuggling might be stopped by purchasing of the Portuguese government the ports of Diu and Demaun, so as to secure the monopoly. For that system, that of granting passes was substituted, but he believed that the smuggling trade still continued to a great extent, from the small number of passes. The conclusion he had come to was, that the smuggling trade would continue, and that if we got rid of the cultivation of opium in the company's territories, it would be grown to an equal extent in other provinces, and the same quantity would go to China, whilst we should lose a million and a half a year, paid by the subjects of China, to which extent it would be necessary to tax our own subjects. But morals and Christian principles had been introduced into the discussion of this question, and had been blended with commercial views; it had been said, that if opium was not sent to China, more broadcloth would be sent, and in a petition to this House the arguments against the opium trade had been put in this order—first, that its abolition would increase the exportation of broadcloth; secondly, that it would be a compliance with Christian principles. But he hoped that neither this House, nor the other House, would be led to adopt, on the supposition of a great increase in the exportation of broadcloth, an experiment which would be injurious to our Indian subjects, and not only not diminish, but greatly increase, the trade in opium. We had tried to extinguish the slave trade, but we had not succeeded; and if we endeavoured to put down the opium trade, we might give to that trade, as Captain Elliot apprehended, a piratical character. Finally, he did hope that our trade would be placed on a different and on a better footing; and he further trusted that her Majesty's Government would avoid all measures injurious to British subjects in that quarter of the world, or calculated to increase the existing evils, of which there was such strong reason to complain.

Lord *Ashburton* observed, that even if we applied all our efforts to satisfy the Chinese government, he believed that we should be unable to effect that object; and he could not but feel that there were circumstances attending these transactions of a description which did not make the country enter into this contest with as much good feeling, and as much confidence as if the occasion were altogether different. At the same time he felt that we had no alternative—that we must make some demonstration of force. The authorities at Pekin imagined that England trembled at their name, and he must say, that he thought they would never give us credit for being influenced by those considerations of humanity upon which the noble Earl laid so much stress. All his humanity, he was sure, would be thrown away upon the Chinese. He could not but further observe that no pains had been taken in this matter by way of negotiation or discussion with the Chinese. Some of their papers were equal to any that Europeans could produce; they were a much more understanding people, and a much more understanding government, than was generally supposed; and he thought that if proper pains and care were taken, the whole matter might be brought to an amicable adjustment. It was impossible that a people who reasoned so acutely should not be open to reason. He was the more confident in his belief that reason and negotiation could not fail to lead to beneficial results, when he recollected the success which attended various missions from this country to China. Those missions had been attended with considerable success, and he saw no reason why similar experiments should not again be tried. The Chinese were a sensible and well-judging people; he confessed that, looking at their papers, he could not help thinking so, and the first thing needful was to convince them that we desired nothing more than to carry on trade peaceably and in good faith. At these objects he thought the Queen's Government should aim, endeavouring at the same time, as far as possible, to remedy the ill effects resulting from past mismanagement—for example, the extreme mismanagement of leaving a British officer for so long a time without any system of arrangement or decision, the people under him, and the Chinese government with whom he had to deal, being both equally ignorant of the nature and extent of the authority with which he was clothed, or the purposes for which he was sent out. He quite agreed with those who thought that a naval force ought to make its appearance on the coast of China; he thought that the Chinese government should be overawed by its presence; nevertheless, he could not help complaining that Parliament knew so little on this subject; they knew that a great armament was going out, but that was all. They knew nothing of the number, or the nature of the force. Again to revert to the subject of negotiations, he must be permitted to say, that they ought to be had recourse to, notwithstanding all that might already have taken place, and he thought that such negotiations should by all means be preceded or accompanied by a direct communication from the Queen to the Emperor of China. It was likewise his opinion that the negotiators for such a purpose ought not to be taken from the quarter-deck, but rather from amongst those who could practise the *suaviter in modo*, as well as the *fortiter in re.* He felt strongly persuaded that the occasion was one in which no pains should be spared for the purpose of bringing about an amicable result, and even if the Governor-general of India could, without detriment to the public service, proceed upon a mission to China, he should be requested to undertake it.

Earl *Stanhope*, in reply, said, that the observations which he had felt himself called upon to address to their Lordships, had not yet been answered; he had not taken exception to the conduct of Government because of his objection to the use of intoxicating substances, though for years past he had the honour to be a teetotaller; on the contrary, he founded his objections to their proceedings upon the principles of international law. The noble and illustrious Duke had moved the previous question, a course which was very proper when a subject was not proper to be discussed; and he could not help saying that the noble and illustrious Duke would have taken a more manly course if he had met his motion by a direct negative. However their Lordships might deal with his motion, he should at least have the satisfaction of recording his sentiments on the journal of their Lordships' proceedings.

Amendment passed without a division.

HOUSE OF COMMONS,

Tuesday, May 12, 1840.

Minutes.] Petitions presented. By Mr. Busfield, from Bradford, against, and by Sir R. Hill, from several places, for, Church Extension.—By Mr. Duff, from several places, against the Convention with France concerning the Fishing on our Coasts.—By Mr. V. Stuart, from Waterford, against the Flour Importation Bill.—By Mr. Langdale, from the Catholics of Liverpool, against the Marriage Act.—By Mr. Villiers, from a number of places, for the Repeal of the Corn-laws.—By Mr. Thorneley, from Liverpool, for a Reduction of the Duty on Coffee.

Writ for Ludlow.] The Earl of *Darlington* rose to bring again under the consideration of the House, with a painful recollection of what had passed last night, the same motion which he had then brought forward. It was not for him to enter into the details of those proceedings, but he must say, it would be well if they could be effaced from the journals altogether. As, however, reports of what had occurred had gone forth to the public—reports which he was sure would be received by the country with astonishment only equalled by disgust—it would be but proper that the public should be put in possession of the facts as nearly as possible as they did take place, so that the public might have an opportunity of judging which party was in the right, and which party was in the wrong. Having looked at the public prints, he found that a slight inaccuracy gave a different impression as to the state of the case, and as his reason for refusing to accede to the request of the hon. Gentleman opposite, the Secretary of the Treasury, did not appear in that point of view which he intended, he was desirous to correct the misstatement, and remove a wrong impression in that respect. It appeared in the public prints as if the request had merely been to postpone the motion for the writ from Monday to Thursday, and if that had been the case, and if he had understood it was only desired to be postponed for three days, he should have acceded, but he thought it would be recollected by all hon. Members, that he did not peremptorily refuse the request, on the contrary, if he had understood the postponement was merely desired from Monday to Thursday, and that on Thursday no further postponement would be required, or opposition offered, he would have been perfectly ready to accede. To that statement so made the hon. Gentleman opposite (Mr. E. J. Stanley) gave no answer, indeed, the only answer he received was, the cry of "No, no; go, on." He therefore had no alternative but to proceed with his motion, and that he was justified in the course he had taken was, he thought, abundantly shown by the unequivocally expressed opinion of the majority of the House. That being the case, he had naturally expected, that no further opposition would be made after the decision of a full House, composed of 450 Members had been most fairly taken after full notice, and by a majority of 11. It appeared, however, that the disappointment of a certain number of hon. Members, who had been in the minority contrary to their expectations, was so great, that they were unable to stifle their passions, or restrain their resentment, and therefore they determined, notwithstanding the decision of the majority had been in favour of his motion, to make use of those forms of the House of which every Member had certainly the right to avail himself, but which the public out of doors did not understand. The means given to a minority to defeat the majority was a defect which it would be necessary to remedy if carried on to the extent exercised last night. There was, perhaps, no person in that House more conversant with minorities than he was, for, during the twenty-eight years he had been in Parliament, it had, with the exception of one short Session, been his misfortune invariably to sit on the Opposition benches. He had, therefore, been in many minorities, and though he was far from contending, that the minorities were always in the wrong, still he held, that the minority either in the House of Commons or elsewhere was bound to be content to bow to the decision of the majority. If such was not the case, it would be impossible that public business could be carried on. It was not for him to guess what course would be pursued to-night, but this he felt bound to say, that the House having decided that the time had arrived when the writ ought to issue, he should feel it his duty, if now defeated, to bring forward the motion every evening, and, much as he should lament it, he should, if, instead of twenty Members, as the hon. Member for Finsbury had last night said, he had only three Members to back him, stop the progress of all public business until the writ was issued. Under these circumstances he had nothing more to add than to move, that the Speaker do issue his warrant to the clerk of the Crown to make out a new writ for electing a burgess to serve in the present Parliament for the borough of Ludlow, the last election of a burgess to serve in Parliament for the said borough having been determined to be void.

Mr. *E. J. Stanley* begged to say a few words in answer to what had fallen from the noble Lord who had again submitted the present motion to the House. He agreed with the noble Lord, that the country would form a just appreciation of the proceedings which had taken place last night. A complexion had been attempted to be given to the proceedings of last night which was not warranted, and it seemed to be inferred, that he had made a mere personal request for a postponement of the motion, and not on behalf of his noble Friend, the Secretary for the Colonies, who desired, and was anxious to be present when the motion was brought on. He thought he should be able to show, that this was not a fair representation of what had taken place. He would first refer to the reports which had appeared of the proceedings on the subject on Friday evening, in order to show the view he had taken. In the *Times* of Saturday he found it reported thus:—

"Sir John Walsh said, he had just received a communication from the hon. Gentleman, the Secretary of the Treasury (Mr. E. J. Stanley), that the noble Lord, the Secretary for the Colonies, wished to be present in his place when the motion for the issuing the Cambridge writ was moved; he, therefore, would put off his motion until Thursday next."

He mentioned this to show, that the Cambridge writ was put off in order that his noble Friend might be present when it was moved. In the same paper he was reported, after some observations by the hon. Member for Finsbury (Mr. T. Duncombe), with respect to an interference with the corn-law motion, to have said:—

"That as the hon. Member for Sudbury (Sir J. Walsh) had consented to postpone his motion to meet the wishes of his (Mr. E. J. Stanley's) noble Friend, the Secretary for the Colonies, he trusted no opposition would be offered to the arrangement."

He found, that in the *Morning Post*, after some observations by the noble Lord opposite, he (Mr. E. J. Stanley) was reported to have said:—

"That he distinctly told the noble Lord that morning, that it was the anxious wish of his noble Friend (Lord J. Russell) to be present, and that it was his intention to propose some measure calculated to check the system of corruption that had been so extensively practised, according to the reports of the Cambridge and Ludlow committees."

And the report in the *Times* was:—

"Mr. Stanley said, it was at the express desire of the noble Lord he had made the request, as the noble Lord was desirous of suggesting some measure to check the corruption which was increasing to such an alarming extent."

Now he thought these quotations selected from papers which advocated different political principles from those he professed, were fair representations of what had taken place, and therefore he appealed to the House and the country whether he had not distinctly rested his case for a postponement upon the unavoidable absence of the noble Lord, and his anxiety to be present when the motion was made. He could not say, whether the noble Lord intended to oppose the issuing of the writ, nor what ulterior measures he intended, but he had expressly stated the noble Lord's desire to propose some measure calculated to check the corruption which had been proved to exist. He merely rose now to explain the matter, in order to set himself right before the public, and to show, that he had asked for nothing which had not almost invariably been given on such appeals being made to the consideration of the House. The appeal made by the noble Lord, the Member for North Lancashire, to be allowed to postpone his motion a few nights since, had been cheerfully and cordially responded to and granted, and he might further instance the postponement in another place of a motion of the gravest importance to meet the convenience of a noble and learned Lord who happened to be absent in the country. These showed, the concession to these appeals was mere matter of courtesy and favour, and therefore the postponement he had asked was neither unusual nor one usually refused. Again, he thought in this case, that he might fairly ask for a postponement, for this was not the case of a writ issued on the death or accession to office of a Member, but the case of a writ being issued after a grave and solemn consideration of a mass of evidence specially reported by a committee of the House of Commons, and showing that bribery and treating existed in Ludlow to a large extent. That report and evidence the House had thought it due to itself to have printed, with a view to its consideration for ulterior measures. Such being the case, and his noble Friend, the Secretary for the Colonies, having expressed a desire to be present at the debate, with a view to introduce some measure to check these practices, and seeing also that the evidence had not been published more than one week, he could not think he had asked too much, when he requested a postponement of the motion for three days, until his noble Friend was able to appear in his place.

The Earl of *Darlington* said, that, of course, he was not answerable for what appeared in the public papers; but the hon. Gentleman appeared to have some misconception of what had passed between them when the hon. Gentleman called on him yesterday morning. Did the hon. Gentleman then tell him that he came to make the request at the desire or on account of the noble Lord, the Secretary for the Colonies? He was convinced the hon. Gentleman did not. It was true, the hon. Gentleman seemed to think it desirable that the discussion on the two writs should come on together, and he told the hon. Gentleman he was taken by surprise, and must consider the request. He did so, and sent an answer, in which he proposed a condition; that condition was not accepted, and therefore he had proceeded with his motion.

Mr. *E. J. Stanley* observed, that as far as he remembered, he had stated to the noble Lord opposite, that which he had just now stated; he was not sure that he had told the noble Lord opposite he came from the noble Lord, the Secretary for the Colonies.

Mr. *Horsman* wished to make two or three remarks upon the course he had felt it his duty to take on this question. The report and resolutions of the committee, he thought, rendered it necessary for the House to take some step prior to the issuing of the writ. Though there was nothing alleged before the committee as to a general system of bribery, still there were allegations of a general system of treating which counsel expressed a wish to be permitted to prove. The committee refused to comply with that request, and he had therefore thought that before the writ was issued, the attention of the House ought to be drawn to the subject, and some opinion expressed by the House as to the course the committee had taken. He did not wish to provoke discussion now by going into the evidence, but he must call the attention of the House to the close of the proceedings of the committee. He found from the report that "counsel and parties were called in and informed, that in consequence of a communication which was made to the committee yesterday by Mr. Austen, the committee had come to the following resolution:—'That Henry Clive, Esq., by his agents, was guilty of treating at the last election for the borough of Ludlow;' and the chairman added, that he was directed by the committee to ask the parties whether, the committee having come to that resolution, it was their wish to proceed. Mr. Cockburn stated—

> "That the object of those for whom he appeared in proceeding further was to prove acts of bribery, with a view to the matter being thoroughly investigated hereafter. After a discussion between the committee and counsel, Mr. Cockburn stated, that after the suggestion of the committee, he would conclude the evidence which had been commenced with respect to the vote of Timothy Meyrick, and then leave the case in the hands of the committee."

So far, treating had only been established; but, as Mr. Cockburn expressed his wish to establish bribery also, Mr. Meyrick was again examined, and after that examination the committee reported the following resolution:—

> "That Mr. Henry Clive was, by his agents, guilty of bribery at the last election for the borough of Ludlow."

These were the grounds upon which he made the motion which he had last night submitted to the House; for he thought the circumstances detailed in the evidence should be thoroughly considered before a new writ was issued. When he heard the request made last night for a postponement of the motion for issuing the writ, he, in common with many other hon. Gentlemen on the Ministerial side of the House, thought it would be complied with. He was satisfied, that there was some misunderstanding in the case, or Gentlemen opposite would not have refused to grant the short delay. As there was now but a difference of two days, he thought it would be better to come to an understanding as to whether some arrangement might not be made. If not, he should conclude with a motion similar to that which he made last night. The hon. Member moved, that a select committee be appointed to inquire into the extent to which treating, bribery, and intimidation prevailed at the late and former elections for the borough of Ludlow, and that in the meantime the issuing of the writ be suspended.

Mr. T. S. Duncombe seconded the motion.

Viscount *Palmerston* expressed a wish to have the question of the new writ postponed, so as to leave it open to his noble Friend, the Secretary for the Colonies, to state the course which upon due reflection he should think proper to pursue. As he (Lord Palmerston) had had no opportunity of communicating lately with his noble Friend, he could not undertake to say what that course was likely to be. He regretted that his hon. Friend, the Member for Cockermouth, instead of the present amendment, had moved the adjournment of the question to Thursday; but still, if the House preferred dividing on the present amendment, he should feel himself compelled to vote with his hon. Friend. He regretted that Gentlemen opposite persisted in refusing what he considered but a fair accommodation under the present circumstances, namely, the adjournment of the question until Thursday next.

The House divided on the question: Ayes 216; Noes 180: Majority 36.

List of the AYES.

A'Court, Captain
Alsager, Captain
Archdall, M.
Attwood, M.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. W.
Barneby, J.
Barrington, Lord
Bateson, Sir R.
Bell, M.
Bentinck, Lord
Bethell, R.
Blackburne, I.
Blair, J.
Blakemore, R.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bruce, Lord E.
Burr, H.
Burrell, Sir C.
Burroughes, H.
Campbell, Sir H.
Canning, Sir S.
Cantilupe, Lord
Cartwright, W.
Castlereagh, Lord
Chapman, A.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T.
Codrington, C. W.
Cole, hon. A. H.
Colquhoun, J. C.
Cooper, E. J.
Corry, hon. H.
Darby, G.
Darlington, Lord
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C.
Drummond, H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, W.
Du Pre, G.
East, J. B.
Eastnor, Lord
Egerton, W. T.
Ellis, J.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fector, J. M.
Fellowes, E.
Foley, E. T.
Follett, Sir W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Granby, Marquess
Greene, T.
Grimsditch, T.
Hale, R.
Halford, H.
Hamilton, C.
Hamilton, Lord
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Hepburn, Sir T.
Herries, J. C.
Hill, Sir R.
Hillsborough, Lord
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A. C.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houston, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kemble, H.
Kelburne, Lord
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, W. S.
Lefroy, T.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, Colonel
Lowther, J. H.
Lucas, E.
Lygon, General
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Mahon, Lord
Maidstone, Lord
Manners, Lord C.
Marsland, T.
Marton, G.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Mordaunt, Sir J.
Neeld, J.
Neeld, John
Nicholl, J.
Norreys, Lord
O'Neil, J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A.
Peel, Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Planta, right hon. J.
Polhill, F.
Pollen, Sir J. W.
Powell, Colonel
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.

Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, R.
Rushout, G.
Scarlett, hon. J.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Colonel
Smith, A.
Somerset, Lord G.
Sotheron, T. E.
Stanley, Lord
Stewart, John
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thomas Colonel H.
Thompson, Alderman
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Walsh, Sir J.
Welby, G. E.
Wilbraham, B.
Williams, R.
Williams, W. A.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Abercromby, G. R.
Acheson, Lord
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Andover, Lord
Archbold, R.
Barnard, E. G.
Barron, H. W.
Bellew, R. M.
Berkeley, hon. C.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Bulwer, Sir L.
Busfield, W.
Butler, Colonel
Byng, G.
Byng, G. S.
Callaghan, D.
Chester, H.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clements, Lord
Corbally, M. E.
Cowper, W. F.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Divett, E.
Duff, J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, D.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, right hon. E.
Ellice, E.
Evans, G.
Ferguson, Sir R.
Ferguson, R.
Fitzalan, Lord
Fleetwood, Sir P.
Gillon, W. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grey, Sir G.
Guest, Sir J.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hindley, C.
Hobhouse, Sir E.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hon. E.
Howard, F. J.
Howard, P. H.
Hume, J.
Hutchins, E. J.
James, W.
Johnson, General
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, S.
Macaulay, T. B.
Macnamara, Major
Maher, J.
Martin, J.
Melgund, Lord
Mildmay, P.
Morpeth, Lord
Morris, D.
Muntz, G. F.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, M. J.
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Palmerston, Viscount
Pattison, J.
Pechell, Captain
Philips, Sir R.
Philips, M.
Philips, G. R.
Philpotts, J.
Pigot, D. R.
Ponsonby, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Slaney, R.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R.
Somers, J.
Standish, C.
Stanley, W.
Stansfield, W.
Staunton, Sir G. T.
Steuart, R.
Stuart, Lord
Stuart, W. V
Stock, Dr.
Strangways, J.
Strutt, E.
Style, Sir C.
Surrey, Lord
Talbot, C.
Talfourd, Sergeant
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Wall, C. B.
Wallace, R.
Warburton, H.
Wemyss, Captain
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Parker, J.

Mr. *Warburton* rose to move a resolution similar to the one which he moved last night. He would ask the House what would be the effect upon all the other boroughs in the kingdom if the delinquency of Ludlow were to be passed over? He would move that the debate be adjourned until the earliest day on which the noble Lord, the Secretary for the Colonies, could attend in his place. He should like to hear what shield of protection the noble Lord was prepared to throw over the other boroughs, so as to guard them from similar contamination, if he succeeded in procuring the issue of a new writ for the borough of Ludlow. For himself he was influenced by no party motive in the course which he pursued, as he did not know in what way either party in the borough would be influenced by the delay.

Mr. *C. Wood* could not help expressing a hope that the course which had been pursued on the previous night was not now about to be renewed. The request which had been made in the first instance to postpone the issue of the writ until the noble Lord, the Secretary for the Colonies, could attend, was not, he conceived, an unreasonable request on the part of his side of the House, or one which might not have been readily granted by the other, without any great detriment to the interests of the borough or its constitutional right of electing a Member to serve in Parliament. For that reason he had voted for the postponement, but as that was refused by the House, he thought the House ought to abide by the decision. The course which had been pursued on the previous evening was not, in his opinion, a proper course, or one that ought to be persevered in on the present occasion. It formed a most dangerous precedent as to the mode in which the business of that House ought to be carried on. It was a privilege which he thought so valuable that he did not wish to risk its existence by the abuse of it. It had been stated by the noble Lord (Darlington), that if it had been intended to bring forward a motion relative to the borough of Ludlow, some ground might have been laid for postponing the issuing of the writ; and the hon. Gentleman, the Under-Secretary for the Treasury, said, that the noble Lord, the Secretary for the Colonies, wished to have an opportunity of stating his views upon the general question, and of proposing some general measure for the purpose of preventing bribery and corruption at elections; but the hon. Gentleman did not know whether it was the intention of the noble Lord to oppose the issuing of the writ for the borough of Ludlow. That reduced the ground for postponement to the simple question of courtesy, which the House had decided against. It was perfectly true the Member for Cockermouth had stated that there was a case for further inquiry, but such did not appear to be the opinion of the committee itself. Not only had the committee not made any report of the kind, but the very statement of the hon. Member himself showed that they had thought proper to stop further inquiry on the part of the counsel, which, in his (Mr. Wood's) mind, afforded a proof that the committee thought it a case which did not require any further investigation. The committee themselves had carried the inquiry beyond the ordinary extent, beyond the point affecting the seat of the sitting Member; they had carried it to the very point of treating and bribery. He should, therefore, like to know to what extent these motions were to be repeated? The course was one which he must say did no great credit to the character of the House. The strong presumption always was in favour of the issuing of the writ, and he did not think that in this case any ground had been shown for suspending it beyond the absence of the noble Lord, the Secretary for the Colonies, which the House did not deem sufficient.

Mr. *Hume* said, that if there was one thing more disgraceful to the House than another, it was the attempt which had been made to prevent inquiry. He felt surprised at the speech of his hon. Friend who had last addressed the House, he had drawn conclusions quite different to the conclusions drawn by every hon. Member on his side of the House. Was it not fair and reasonable for the House to hear that measure which was to be propounded by the noble Lord the Secretary for the Colonies? It might be a comprehensive measure, which would prevent the future recurrence of similar occurrences as those at Ludlow. The object of those with whom he acted, was to prevent that contamination which was sapping the very foundation of honest representation. His hon. Friend should wait to know the remedy to be proposed, and not withhold from the noble Lord the power of correcting these abuses, and it was the duty of the House to terminate such practices. There was no hon. Member in that House who regretted more than he did to stop those proceedings in the way which was being then pursued; but from the pertinacity of hon. Members opposite there was no other remedy to the evil, and the House provided for such an extraordinary occasion, and if the occasion was not an extraordinary one he would not adopt the present course. If there ever existed a case in which a minority should act against a majority, that case was the present one. The present, also, was the first election trial, under the new commission founded by the right hon. Baronet opposite (Sir R. Peel), who himself asked for an impartial tribunal, that would administer justice, and prevent the recurrence of similar practices to those at Ludlow. The right hon. Baronet asked for power to put an end to party decisions, and he would ask if there ever was a case which evinced more party feeling than the present, which was in reality a party question. Hon. Gentlemen opposite were making it a trial of party, and he and those with whom he acted wanted to make it a question of justice. Was the course pursued by hon. Members opposite the course which the House ought to take to protect the electors and the country against the abuses practised at Ludlow? It was impossible that the country could have an honest representation, or the constituencies any chance of good laws or good government, if the boroughs were to be exposed to the bribery and corruption practised at Ludlow. It was the duty of every Member of that House to put an end to such proceedings, and it was important that they should know what measures the noble Lord the Colonial Secretary had in contemplation for the purpose of checking them. And if the noble Lord did not propose any such measure, then it would be in the power of any individual Member to propose whatever measures he thought most eligible to check such proceedings. Was the House to tolerate the abuses at Ludlow, or to pass them unreguarded? The inquiry before the committee was not, as had been stated, carried beyond the bounds prescribed—namely, the qualification or disqualification of the sitting Member. It was not the practice of committees to exceed their powers, and they could not carry their inquiries into the Ludlow election beyond the qualification of the sitting Member at the expense of the candidates, but at the expense of the House. The request to postpone the inquiry till Thursday was a fair and a reasonable request, and he was anxious to carry the inquiry regarding the Ludlow election beyond the limits which were prescribed to the committee; and unless that inquiry took place the liberty and freedom of this country was an empty boast, for money would carry the representation; and instead of the country being fairly represented there would be a class represented only—the representation of the rich few instead of the many, which would multiply the most fearful abuses. He would, therefore, support the motion of his hon. Friend·

Mr. *Wakley* said, the House might as well discuss the matter there as in the lobby of the House, for the present question was one which would not be speedily decided. He would admit, that the course then adopted was not one that should be adopted in other than extraordinary cases. The present was that case, to which he very reluctantly assented. Nothing but necessity would induce him to take part in the present proceedings. Hon. Gentlemen might say "oh, oh," as much as they pleased and as loud as they liked, and might indulge their rudeness as they thought proper, it would not alter his conviction. The practice was undoubtedly dangerous; but it was a much more dangerous practice to encourage the proceedings at the late Ludlow election. It was his object, and the object of those who adopted that extreme course, to show to the country that it was the wish of that House to prevent similar proceedings to those at the Ludlow election. Was it not dangerous that those electors should escape unpunished? The eccentric movement of the hon. Member who had spoken last but one, was rather astonishing. The transition from the Treasury bench to the gangway below him, and from that to the Opposition side of the House, was easy and not infrequent, and alterations on recent occasions had occurred. What, he would ask, would be said of him, if he refused a similar request to that made to the noble Lord? He well knew how he would be represented by hon. Members on the opposite side, and by the Conservative press in their interest, if he refused the right hon. Baronet opposite (Sir R. Peel) the delay for forty-eight hours, and in a case, too, of great calamity, to any motion which it was his intention to bring forward. When the report of the Ludlow committee was brought up, he (Mr. Wakley) moved to have it printed, and that the issue of the writ should be postponed; the Secretary for the Colonies then rose from his seat and objected, stating that no Member on the Opposition side of the House would move for a new writ without due notice. That fact was in the recollection of the House. The noble Lord had no notice of the motion then before the House. He was absent on Friday when the notice was given, and he had not in reality any parliamentary notice.

The present motion would show to the country who were the supporters and abettors of bribery and corruption. It would be of no use for hon. Members opposite to condemn at the beginning of the ensuing week the disgraceful practices which were said to occur at elections in Ireland. Every one would know that such arguments were founded in hypocrisy, and that the object of hon. Members opposite was not to prevent bribery and corruption, but to support them whenever they could.

Viscount *Castlereagh*, interrupting the hon. Member, said it was out of order for an hon. Member to attribute motives.

The *Speaker* pronounced the hon. Member out of order, and called upon him to retract the offensive expressions.

Mr. *Wakley* said, he did not attribute dishonourable motives to hon. Members opposite, it was their practice he condemned.

The *Speaker* said that the practice was a more grave accusation.

Mr. *Wakley* did not mean to say that hon. Members opposite practised bribery and corruption—far from it; he said that they merely supported those who did. They moved for a writ to furnish the electors of Ludlow with the earliest opportunity of selling themselves to the best bidders. He did not condemn any party —he condemned all parties, for there was not much difference between them. Indeed, the only difference was the shortest purse; but both parties bribed without remorse so long as their purses lasted. The seat for Ludlow was in the sale market. It was a matter for the consideration of hon. Members opposite. At the next election many may have long and large election bills furnished them, and when these bills were presented, those who preferred them might say they were moderate and reasonable bills when compared with the Ludlow charges. He would not allude to one party more than to another. A constituent of his own, Mr. Coppock, was also involved in these proceedings. He had no interest in these proceedings, for if a new election did take place, the Member who would be returned would sit upon his side of the House; but Ludlow he considered a most corrupt and rascally place. Upon the evidence of one of these witnesses, the committee so decided, and that, too, a newly constituted tribunal, which was to work for the respectability of the House, and the satisfaction of the country. He did expect that the hon. Member for Tamworth would have come down to the House and have opposed the issuing of the writ in this case on the ground of the monstrous conduct pursued at that election. What did the right hon. Baronet expect from the working of his bill? It was an actual encouragement to bribery and corruption. Some persons were anxious for the ballot, which in his opinion would, in the case of Ludlow, be an aggravation of the evil. The ballot was intended as a protection to the honest man, and not to the rogue who accepted a bribe—and the electors of Ludlow being rogues, too much daylight could not be thrown upon them. By the evidence of Mr. Revis before the Ludlow committee, this person was shown by the agent of Mr. Clive, the list of voters who were to be bribed, and he should like to know what was the maximum price of a vote at Ludlow. Some of them were bribed, others kept to suppers, and all of them on the polling-day were marched through the streets like a regiment of soldiers, but not so orderly, with their guards before them, and yet that was not considered a sufficient ground of general corruption with hon. Members opposite to withhold the issuing of the writ for a few days. That was a dangerous precedent, and fraught with calamity to the country—and those who were opposing the motion were acting for the benefit of the community—and he for one would continue that opposition unless the noble Lord opposite would consent to withdraw his opposition, and permit the postponement until Thursday next.

Viscount *Morpeth* felt some difficulty as to the vote he should give upon the matter immediately before the House, but he thought that the present discussion ought to be adjourned till Thursday next —that the request for the adjournment ought to have been complied with. At all events there was sufficient misconduct shown in the evidence before the Ludlow committee on the part of the electors of Ludlow as to make a demand for delay not altogether preposterous. With respect to the understanding that sufficient notice of the intention of moving for a new writ should be given, he did not mean to say, that there was an actual breach of contract on the part of hon. Members opposite, but he thought that the virtual understanding had not been fulfilled. When notice had been given on Friday last to move for a new writ, the noble Lord who required, that due notice should be given not being in his place, and it having been impossible that he could be in his place on Monday, under these circumstances he thought then, as he thought last night, that the debate ought to be postponed, and upon that proposition being submitted to him this night, he gave a similar notice to that which he gave on the night preceding, and with more reason on the present occasion, because the delay now sought was not a delay for three days but for forty-eight hours. With respect to the obstruction threatened by hon. Members, he felt bound to say, that he would support the motion for adjournment until Thursday next, but he must at the same time object to the mischievous tendency of carrying on debates by repeated adjournments, and for that reason, if unsuccessful on the division for adjournment to Thursday, he would not support the motion for the protracted division, though at the same time he felt that the adjournment in fairness, courtesy, and delicacy, ought to be conceded.

The House divided on the question of adjournment:—Ayes 140; Noes 188; Majority 48.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Archbold, R.
Baines, E.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Berkeley, hon. H.
Berkeley, hon. C.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Busfeild, W.
Butler, hon. Colonel
Byng, G. S.
Callaghan, D.
Chapman, Sir M.
Chetwynd, Major
Childers, J. W.
Clay, W.
Corbally, M. E.
Cowper, hon. W.
Craig, W. G.
Dennistoun, J.
Duff, J.
Duncombe, T.
Dundas, C. W. D.
Dundas, D.
Edwards, Sir J.
Elliot, J. E.
Ellice, E.
Ellis, W.
Fitzalan, Lord
Fleetwood, Sir P.
Gillon, W. D.
Grattan, J.
Grattan, H.
Greenaway, C.
Greig, D.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heron, Sir R.
Hindley, C.
Hobhouse, T. J.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, P. H.
Hume, J.
James, W.
Johnson, Gen.
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, S.
Lynch, A. H.
Macauley, T. B.
Macnamara, Major
Maher, J.
Martin, J.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, M. J.
O'Ferrall, R. M.
Oswald, J.
Palmerston, Viscount
Parker, J.
Pattison, J.
Pechell, Captain
Philips, M.
Pigot, D.
Pinney, W.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rich, H.
Roche, E.
Roche, W.
Seale, Sir J. H.
Sheil, R.
Smith, J. A.
Smith, B.
Somers, J. P.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G.
Steuart, R.
Stuart, Lord J.
Strutt, E.
Style, Sir C.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Walker, R.
Wallace, R.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W.
Wyse, T.
Yates, J. A.

TELLERS.

Wakley, T.
Warburton, H.

List of the NOES.

A'Court, Captain
Alford, Viscount
Alsager, Captain
Archdall, M.
Bagge, W.
Bailey, J., jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. W.
Barneby, J.
Barrington, Lord
Bateson, Sir R.
Bell, M.
Bentinck, Lord
Blair, J.
Blakemore, R.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Burr, H.
Burrell, Sir C.
Burroughes, H.
Canning, Sir S.
Cartwright, W. R.
Castlereagh, Lord
Chapman, A.
Chute, W. L. W.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Cochrane, Sir T.
Codrington, C. W.
Cole, hon. A. H.
Colquhon, J. C.
Cooper, E. J.
Corry, hon. H.

Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C.
Drummond, H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, W.
Du Pre, G.
Eastnor, Lord
Ellis, J.
Farnham, E. B.
Fector, J. M.
Follett, Sir W.
Forrester, H. G.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W.
Goddard, A.
Godson, R.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Granby, Marquess of
Greene, T.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C.
Hamilton, Lord
Harcourt, G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Hepburn, Sir T. B.
Herries, J. C.
Hillsborough, Lord
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A'C.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houndsworth, T.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Lord
Johnstone, H.
Jones, J.
Jones ,Captain
Kemble, H.
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knightley, Sir C.
Lascelles, hon. W.
Lefroy, T.
Lincoln, Lord
Lockhart, A. M.
Lowther, Colonel
Lowther, J. H.
Lucas, E.
Mackenzie, T.
Mackenzie, W.
Mahon, Lord
Manners, Lord C.
Marsland, T.
Marton, G.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
O'Neil, J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Peel, Sir R.
Peel, J.
Perceval, Colonel
Pigot, R.
Planta, J.
Polhill, F.
Pollen, Sir J. W.
Powell, Colonel
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, Sir W.
Richards, R.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sandon, Lord
Scarlett, J. Y.
Shaw, F.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Somerset, Lord G.
Sotheron, T. E.
Stanley, Lord
Stewart, J.
Sturt, H.
Teignmouth, Lord
Thesiger, F.
Thomas, Colonel
Thompson, Alderman
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C.
Vernor, Colonel
Vernon, G.
Villiers, Lord
Vivian, J.
Welby, G. E.
Wilbraham, B.
Williams, R.
Wilmot, Sir E.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

On the question being again put,

Mr. *Hawes* moved an adjournment of the House on three grounds:—First, that the House having refused to inquire into the facts of the Ludlow election, it would sink deeply into the feelings of the country; secondly, because there was a virtual understanding that due notice should be given of the motion for a new writ; and thirdly, because it was of the highest importance to the constituencies of the empire to know the course which the House would pursue with regard to bribery and corruption at elections.

Sir *R. Peel* said, that although that (the Opposition) side had still a majority, and were, therefore, entitled to persevere against the attempts of the minority, his advice was, that they should agree to the question of adjournment, on the understanding, that no public business should have precedence of the question of issuing the writ.

The question was then put and agreed to.

House adjourned.

HOUSE OF COMMONS,

Wednesday, *May* 13, 1840.

MINUTES.] Petitions presented. By Mr. Villiers, and Mr. Hume, from Tamworth, and other places, for a Total Repeal of the Corn-laws.—By Mr. Muntz, from Birmingham, against the Police Bill.—By Mr. Baines, from Leeds, against the Opium Trade.—By Mr. Acland, Mr. Lowther, and others, from Suffolk, and other places, for Church Extension.—By Mr. Townley, and others, from Cambridge, Westbury, and other places, against any Grants for the purpose of Church Extension.—By Captain Alsager, from Staffordshire, against Sunday Drawing on Canals, and any further Grant to the College of Maynooth.—By Sergeant Jackson, from Bandon, against the Importation of Foreign Flour into Ireland.—By Mr. Brotherton, from the Baptists of Stourbridge, and various other places, praying to be allowed to make Affirmations instead of taking Oaths.—By Mr. Johnstone, and Sir S. Canning, from Dumfries, and other places, for a Settlement of the Scotch Church Question.—By Sir C. B. Vere, from Suffolk, against the County Constabulary Bill.—By Mr. G. Wood, from Kendall, against the County Constabulary Bill, and the deportation of Hill Coolies to the Mauritius.

MINISTERIAL REFORM.] Mr. *T. Duncombe* said, he had to present a petition signed by 16,000 inhabitants of

Sheffield, which was agreed to at a public meeting of the inhabitants of that town. The petitioners prayed for six objects, the substance of which he would state to the House. The first was, that the House might address her Majesty, praying that she may be graciously pleased to dismiss her present Ministers, those Ministers being no more worthy of the confidence of the Crown and the people than any Ministry which had held office within the last fifty years. The second prayer was, that her Majesty might call to her councils a Ministry by which the question of universal suffrage might be made a Cabinet measure. Thirdly, that while the people were starving from want of a sufficient supply of wholesome food, hon. Members might not waste the time of the House in long and useless speeches and party questions, but should occupy themselves in endeavouring to lessen the weight of taxation, which was now too heavy to be borne. Fourthly, that all professional lawyers should be excluded from seats in Parliament, as from their professional habits they tended more to mystify than to make clear important subjects of legislation. Fifthly that as there were seventy five volumes of statutes, each volume containing some thousand pages, and as these were more than could be studied in the ordinary term of a man's life, the petitioners prayed, that instead of this immense mass, a compendium of laws should be framed, copies of which should be preserved in every court in the kingdom; so that when a citizen was charged with any offence he might know the law and the punishment attached to its infraction; and sixthly, that all the heirs and descendants of Peers should be excluded from seats in the Commons House of Parliament, as such parties were already fully represented in the House of Peers; that the Commons should be the representatives of the mass of the people who possessed a property of 90,000,000*l*. a year in their labour, and that they should not be treated as if they were born only to inherit penalties and poor laws.

Petition to lie on the Table.

PRINTING PETITIONS.] Mr. *T. Duncombe* presented a petition from Thomas Fuller, who stated, that he had been tried for cutting and maiming, which was done solely in his own defence; that he had been found guilty, not by the jury, but by the judge, who had sentenced him to die; that this unjust sentence had been afterwards commuted to transportation; but that this sentence had also been commuted to imprisonment; that he had been three years and 105 days in prison; and that in the mean time his innocence had been clearly established; and that he was now turned out of prison with his prospects completely ruined. He therefore prayed for such relief as the House might deem fit. The hon. Member (Mr. Duncombe) said, that this man's petition had been presented towards the close of the last session, and had been printed in the votes, he (Mr. Duncombe) intending to bring the matter under the consideration of the House by referring it to a committee; but there had not been time enough to do so before the Session closed. He would move that this petition be printed with the votes.

Lord *Stanley* did not intend to offer any objection to the printing of the petition, but he thought this was one of those cases in which the House should be on its guard as to printing and publishing, and such petitions as this should be printed and distributed solely for the use of the Members. The House ought to guard against sending into general circulation matters which might be highly libellous. He did not intend to make any motion on the subject, but he ventured to throw out the suggestion that it was a case in which the House should act with caution.

The *Attorney-General* concurred in the view taken of it by the noble Lord who had just addressed the House. A petition of this kind might be made an exception to the papers which were sold. It was a petition of this kind which had for a time brought some doubt on what was one of the certain privileges of the House.

Mr. *Hume* thought that the circumstance referred to by the hon. and learned Gentleman was a report of a commission which had been made to the Crown, and by her Majesty's order laid on the Table of that House. If there were any doubts as to the contents of the petition, it ought to be read at length.

Mr. *T. Duncombe* agreed as to the caution which should be observed in printing such petitions. The present, as he had already observed, had been printed last year.

Lord *Stanley* said, the question was an important one, for unless the House exercised due caution, and interposed its authority, any hon. Member, by getting a petition printed and circulated by sale, might involve the House in difficulty. The object of printing petitions with the votes was for the information of Members who might have to decide on some question arising out of them; and in such a case as the present, he thought that a distinction should be made—that the petition should be printed for the use of Members only.

Petition to be printed.

HOUSE OF LORDS,

Thursday, May 14, 1840.

MINUTES.] Bills. Read a second time:—Tithes Compensation (Ireland); Insolvent Debtors (Ireland).—Read a third time:—Tithe Compensation (Ireland).

Petitions presented. By the Marquess of Downshire, from Presbyterians in the North of Ireland, against Intrusion of Ministers in the Church of Scotland.—By the Earl of Radnor, from York, for a Total Repeal of the Corn-laws.—By the Earl of Haddington, from Western division of Ross, against the Law of Evidence Scotland Bill.

MUNICIPAL CORPORATIONS (IRELAND).] Lord *Kenyon* moved the Order of the Day for counsel to be heard on the Municipal Corporations (Ireland) Bill.

The Marquess of *Lansdowne* was desirous, before their Lordships proceeded further, to occupy their time for a few moments while he pointed out the precise state of this question. He had no objection to the motion which the noble Lord had made for calling in counsel to be heard at the bar. But, although considering how often the principles and details of this bill had been before the House—considering how often that principle had been adopted by the House, without the petitioners having claimed or obtained permission to be heard at the bar—though under these circumstances, he himself thought that it would not be a hard measure towards the petitioners, if he opposed the calling in of counsel on this occasion, seeing that no such favour was accorded to them before—yet, looking to the importance which some noble Lords attached to the reports of commissioners respecting particular corporations and their particular conduct on certain points—he was not unwilling that an opportunity should be afforded to those corporations to repel and disprove, by evidence, if they could, any allegations affecting their private interests, which were to be found in the reports of those commissioners. But, when he reflected, that when [illegible] granted to be heard [illegible] the [illegible] generally [illegible] Corporations [illegible] according [illegible] agreed to [illegible] counsel were [illegible] principle [illegible] details [illegible] interests of the [illegible] they appear [illegible] to them [illegible] and [illegible] they had [illegible] course [illegible] extend their arguments [illegible] it might [illegible] to be [illegible] connected with [illegible] this measure, in [illegible] English Municipal Bill. He did not [illegible] duce [illegible] unnecessary; for he knew no practice or precedent more inconvenient, should it be established, than that of calling in counsel to be heard at their bar on principles of general legislation, or against the principle of any particular measure—to argue, for instance, before their Lordships on this occasion, that municipal government by self-constituted [illegible] and responsible government, [illegible] the principle of this measure. Therefore, he wished to elicit some [illegible], and explicit declaration, so that the counsel should understand [illegible] they were [illegible]. [illegible] important to the counsel themselves, but it was still more important [illegible] of their Lordships [illegible] should be done [illegible] as a precedent, [illegible] the bar, the principle [illegible] to be impugned. He hoped, that either the noble Baron who made the motion then before the House, or some other noble Lord, would give such an [illegible] referred to. On the [illegible] English Municipal Reform Bill a noble and learned Lord (Lord Lyndhurst) whom he did not see in his place at that moment, stated, that he was authorized to say, that counsel would enter into no argument against the principle of that bill; and he wished that some declaration to that effect should now be made. [illegible], he [illegible] consistent with the regularity of their proceedings, as the objection [illegible] against the [illegible], that counsel should be heard in the committee, instead of before going into committee. He wished it to be distinctly understood, that the arguments of counsel were not to be directed against the principle of the bill, but solely against the details, for the purpose of rebutting [illegible] parts [illegible] contained in the reports of the commissioners.

Lord [illegible] assented to the principle that the arguments of counsel should be directed against such [illegible] as the petitioners apprehended they would suffer under this measure, if carried into effect. He [illegible], that counsel should be heard in the same manner, as counsel had been heard with respect to the English Corporation Bill.

The [illegible] of [illegible] was of opinion [illegible] the noble Marquess [illegible] made [illegible] their [illegible] at this [illegible] be [illegible] of the [illegible] of [illegible] for [illegible] of the [illegible] agree [illegible] understood.

[illegible] that [illegible] in the case [illegible] Bill should [illegible] would [illegible] the [illegible] be [illegible]

[illegible]

HOUSE OF COMMONS,

Thursday, May 14, 1840.

MINUTES.] Petitions presented. By Lord Worsley, Mr. Stansfield, Mr. Palmer, Mr. Gillon, and several others, from Perth, Southampton, Lincoln, and various other places, for a Total Repeal of the Corn-laws.—By Lord Hotham, from West Moulsey (Surrey), in favour of Church Extension; and from Great Ripon, York, for Medical Reform.—By Mr. Buck, Mr. Plumptre, and several others, from Newcastle, Kent, Leicester, and various other places, against any further Grants to Maynooth College.—By Mr. Warburton, from Huddersfield, against the Beer Bill.—By Colonel Thomas, from Kinsale, for the Amended Registration Bill.—By Mr. Gillon, from Auchtermuchty, against Church Rates, and for the Release of John Thorogood; and from Leith, Lanark, Falkirk, Newton, and Stewart, for the Repeal of Post-horse Duties.—By Sir W. Somerville, from Drogheda, against the Irish Registration Act.—By Mr. Hutt, from Gateshead, against that Clause of the Constabulary Bill consolidating the Police of Boroughs and Counties.—By Sir E. Wilmot, from Aston, against the Birmingham Police Bill.—By Mr. Round, Mr. G. Knight, and Sir Robert Peel, from Essex, Devon, Gloucester, and various places, in favour of Church Extension.—By Mr. Wood, Mr. Leader, and others, from Glasgow, Bridgewater, and various other places, against any Grant for Church Extension.—By Lord Adare, and Mr. Blennerhasset, from Limerick, and Emscorthy, for Lord Stanley's Registration Act.—By Lord Clements, from Leitrim, against Lord Stanley's Registration Act.—By Lord G. Lennox, from Sussex, in favour of the Clergy Reserves (Canada) Bill.—By Mr. Elliot, from Kelso, against Church Rates.—By Mr. Litton, from Kilkenny, in favour of the Irish Registration Bill.—By the Attorney-general, from the Chamber of Commerce, Edinburgh, that a Tax should be levied on the Gross Receipts of Railroads.

PERSIA.] Sir *Stratford Canning* wished to ask the noble Lord, the Secretary of State for Foreign Affairs, some questions respecting our relations with Persia. It was not necessary for him to preface his questions with any remarks, as the questions were sufficiently minute; but he begged to say, that it was a subject of great importance to our commercial interests, and was rendered more important by the doubtful state of our relations with foreign powers. The questions which he would ask were—What was the present character of our relations with the court of Persia? Supposing our friendly relations with that court to be suspended, what were the negotiations, if any, that were going on for a restoration of those friendly relations? Whether there was any difficulty; and if any, what difficulty that retarded the progress of those negotiations; and had they arisen since the gracious intimation conveyed in her Majesty's speech from the throne, that there was a prospect of a speedy renewal of our relations? And, lastly, whether an early removal of those difficulties was contemplated by her Majesty's Government? The noble Lord could answer these questions first, and upon his answer would depend the necessity of asking anything further.

Viscount *Palmerston* could reply to the questions very shortly. The present state of our relations with the court of Persia was exactly the same as it was last year. The state of our relations was precisely this. The right hon. Gentleman and the House knew that last summer a special envoy came here from the court of Persia. The Government did not think it right to enter into any negotiations with the envoy, but a memorandum was sent by him (Viscount Palmerston) to that person, distinctly stating the demands of the Government. To that memorandum he had received a reply on the 26th of December, which was not perfectly satisfactory, as he had already stated to the House. In general terms the demands of the Government were acceded to; but the reply then went into details as to the manner in which the demands were to be executed, and on one or two points of the details as to the execution, did not correspond with the demands of the Government. It then became his duty to send a reply. That reply was forwarded on the 18th January, and would have been received in Persia in the month of March; but he had not as yet received any answer. The hon. Gentleman would therefore see that negotiations were in progress to bring about an adjustment of the differences between the two countries. Nothing had happened since the delivery of her Majesty's most gracious speech to diminish the hope of the Government, as expressed in the speech from the Throne, as to the chance of an amicable settlement, because the last communication from the court of Persia went to the extent of stating generally a desire to comply with our demands. He might answer at the same time another question which the right hon. Gentleman intended to put, and say that our mission at Erzeroom was ready to return to Persia as soon as the negotiations had been completed.

Sir *S. Cannning* inquired whether Mr. M'Neil was still the envoy in our service?

Viscount *Palmerston* said, that Mr. M'Neill was still employed by the Government; but he was now away on a leave of absence which he obtained last year.

Sir *S. Canning* would ask further, whether the import trade between India and Persia was still open, and subject to consular protection?

Viscount *Palmerston* said, that we had still a consulate officer at Teflis, and he was not aware of any interruption of the trade. The *attachés* sent from India had returned; but there were one or two others sent from this country, of whom one was still at Erzeroom, and the other had returned to England.

Ludlow New Writ—Bribery and Treating.] The Earl of *Darlington* rose for the purpose of moving "that Mr. Speaker do issue his warrant to the clerk of the Crown to make out a new writ for electing a burgess to serve in this present Parliament for the borough of Ludlow, the last election of a burgess to serve in Parliament for the said borough having been determined to be void." He was happy to see the noble Lord, the Secretary for the Colonies, in his place, and as the public journals must have made him acquainted with the proceedings in that House, he would offer no further observations to the noble Lord than to say, that if, in consequence of what he had heard or seen, he supposed he meant any discourtesy in the course he had taken, he begged to assure him, that it was far from his intention to do anything of the kind. No person could have been more happy to have done anything to meet the wishes of the noble Lord; and if, after that explanation, he still thought he was in the wrong, no one could regret it more. With these observations he would move, that a new writ do issue for the borough of Ludlow, and after he had heard what the noble Lord had to say on the subject, perhaps the House would allow him to make a few remarks.

Lord *J. Russell* could assure the noble Lord that he had no intention of accusing him of any want of courtesy to himself, nor would he have made such an accusation, nor presume to think it discourteous, even if the noble Lord had stated, that he entirely disregarded any request which might have been made; for he should have thought such a declaration entirely consistent with the noble Lord's sense of public duty to that House. He considered, however, that the present was a question of very great public importance, and the noble Lord would allow him to say further, that he did not think the noble Lord had taken up that view which was consistent with the advantage of that House in making the proposition he had made, without giving the House full time and opportunity for the fullest consideration. In saying that, he certainly thought that no party advantage could be drawn in any way from giving the subject the fullest consideration. With respect to the parties who had been concerned in the disgraceful proceedings which had been brought to light by the committee, he could not undertake to say, that either one political party or the other had any reason to pride itself on being free from the contamination of those proceedings; but from the proceedings before the committees, it appeared that after the committees had come to resolutions declaring that the candidates for both Ludlow and Cambridge had been guilty by their agents of bribery and treating, having likewise entered into special resolutions which were presented to the House, and the House having thought fit to order the whole of the evidence to be laid before it, he must tell the noble Lord, that in a party view, he injured his own party, if he sought to interpose any obstacle to prevent the House from entertaining a question which would mark its grave and deep sense of the importance of the subject. The two parties, he believed, had little advantage the one over the other in respect of the election, but that party, he would venture to say, would be prejudiced, who should in that House in any way appear to the public as being justly chargeable with the endeavour to slur over these proceedings, or consider them as a light matter, and proceed at once, without further notice, to issue writs, as if this was merely an unfortunate case in which corrupt practices having been discovered, the parties must be more prudent for the future, but not marking in any way a sense of the degradation of the parties, and the House would fail in its duty if it did not take means to stay the evil of such practices. Therefore, he thought the noble Lord had committed an error, and though, no doubt, the noble Lord would differ from him in that opinion, yet he thought the noble Lord would agree with him in the general principle, that that party would be the loser which appeared to countenance those proceedings, and that there could be no greater advantage, if he wished to make a party use of this, than having an opportunity of showing that his own party in the House were anxious to discourage, prevent, and punish such proceedings, and that those opposed to them took a more favourable, lenient, and partial view of them. But he felt assured, when he stated the course he meant to take, that whatever opinion there might be as to the propriety of the proceedings which he should ask the House to adopt, and whatever might have happened in the last few days (which he wished not further to notice), all parties would join in what he had just now said, and that all would feel it not only disadvantageous, but dishonourable, to them, not to show themselves forward in adopting any measure which would appear to remedy the evils exposed to them in the reports of those committees. With respect to the notice of the noble Lord, he would state at once that he did not mean to oppose the issuing of the writ; but he must at the same time state he did not take that course because he did not think there was sufficient ground to induce the House to suspend the writ, nor that he thought there were wanting precedents in good times for taking such a course. But, on the whole, looking at the evidence—looking to what was notorious with respect to other boroughs, and what had taken place at the last general election, he thought it would be more advisable that the House should proceed by some general measure to provide a further and better remedy against bribery and treating, rather than that they should now, in this particular case, use what was the undoubted power of the House—a power which it had frequently exercised, but which certainly was a very strong power—of keeping below the proper number the Members of that House, and refusing the electors of any particular place, the right of sending Members to represent their interests, and refusing them the enjoyment of the franchise, to which they were legally entitled. He would make some very short observations with respect to the evidence in these cases, for the noble Lord must allow him to allude to Cambridge as well as Ludlow, because there was a very great similarity between the two cases, and because he was not then making an objection solely to the passing over the case of Ludlow, but an objection to their not considering the whole of the cases as of great public importance. It appeared by the evidence before those committees, that there had been parties bribed directly by the gift of money, and that there had been most notorious cases of treating in both the boroughs. Indeed, although he had looked into many cases of this description—although in former times he had had to deal with several cases in which there was more direct evidence of bribery among a great number of electors, in which, in certain cases, the great majority of electors were proved to have received certain sums of money, and although the evidence in those cases went more directly to the disfranchisement of the borough, and the punishment of individuals, yet he must say, cases more disgusting, or showing a more profligate state of the constituent body, or showing more degrading practices on the part even of those who stood in the highest situations with regard to the elections, down to the lowest, he must say, he never had seen in any evidence taken before any committee. It was not, therefore, on account of the lightness of these cases, or that either of them was to be considered as venial, that they ought to refrain from taking such measures with respect to these cases as the instances of bribery might possibly require. And let him observe, before he went further in stating what he proposed, that he thought these cases of treating—of continued treating—of opening a great number of public-houses, and allowing persons to go to those houses for any period of time, and to drink to any extent, provided only they were supporters of a certain candidate—to ask no question as to expense, and thus, as it were, to drug the electors into voting for a particular candidate—was not only bribery, but one of the most offensive and disgusting species of bribery. It had, certainly, this distinction, and it was a distinction which was favourable to taking means of preventing these practices, that there were more means of discovering treating then there were of discovering bribery. With respect to sums of money given, it was an offence upon which it was the most difficult to procure satisfactory evidence, and, therefore, the House would observe that those few instances that were given with respect to bribery could not be taken as giving anything like the whole of the amount of bribery; but the cases which were proved afforded a sample of the proceedings of the party by whom bribery was resorted to. If they had a person who was not much connected with the borough willing to distribute money, and they had an elector ready to receive that money, the transaction might be kept so secret that it was very difficult, and almost impossible, to discover. The way it came out was, from persons who were not willing to conceal the bribery, either by their pretending that they were persons willing to be bribed, or by their afterwards betraying the facts. But with regard to the numerous cases on which persons acted upon these principles, if principles they could be called, of offering bribes to those who were willing to take them, they had in the great majority of instances no evidence, and they could only tell from the ordinary mode of proceeding adopted, the probable amount of bribery that was committed. With regard, however, to the treating, the hampers of wine, and the quantities of brandy, rum, and gin, it was impossible they could be distributed without some direct evidence of the fact upon which they could go. Still there were, as he conceived, in the mode in which the offences were investigated, most important defects in the state of the law, to which years ago he had endeavoured to apply some remedy. For, in respect to some of those offences, whatever might be the letter of the law, parties were always found to turn and double, so as to avoid it, and the House ought to be ready, from time to time, to make the law more stringent and active, so as to prevent the offences against which it was directed. With respect to the offence of treating, of which he had already spoken, there was a remarkable difference made in the resolution of 1677, between that and the offence of treating. At the first sight, it might appear that the resolution was as stringent against treating as against bribery. It declared, that the gift of any food, meat, or wine, should be considered as bribery, and should be treated as such; but then, on going on to declare what was to be done in the cases of treating, there was this distinction, that the offence of treating must be committed after the *teste* of the writ and before the day of election. After the *teste* of the writ and before the day of election treating was declared to be bribery, and was to have the effect of bribery. In the Act of 7 William 3rd, the time was carried further; it was not confined to the day of election, but till "the Member was elected;" so that any treating which took place after the *teste* of the writ, and before the return of the Members, was bribery. And with that statute in view, he considered that since the Reform Act, the law extended the time till after the declaration of the poll, because by that Act, after the declaration of the poll, which was the day after the polling, there might be a question with regard to one or two votes which might turn the whole election, and it could not be said who were the Members elected. He thought, however, that the law should go further than this, and that they should try to prevent a repetition of those corrupt practices, by carrying out the principle of the law. He proposed, therefore, to extend the present provisions of the law over a longer space of time, and to declare that treating at any time before the election, or for one month after, should have the same effect as it now had after the *teste* of the writ. [Sir *Robert Peel:* For how long before?] At any time before, if it were done with a view to the election. He should state, at the same time, that what he was now proposing did not refer to the offence of bribery to be tried before any court of law, but rather to that offence which was to be tried before an election committee, on a case of an election petition that should come before them, and they would consider the fact and the inference whether the treating was with a view to that election. With regard to bribery, he thought that there was a defect in the law, in consequence of the special manner in which it required the proof of some money contract or engagement. The effect of the words of the statute was, that there must be either a gift before the election, or, if there was a gift afterwards, then it must be in pursuance of some promise or engagement made before the election which induced the voter to give his vote. This, as he conceived, was the cause of very great evasion, for there were cases in which the whole world was convinced, and in which the voters were aware that they were to receive a sum of money—even the exact amount—without any prior contract or promise. To remedy this, he proposed that all gifts of money, either before or after the election, for voting, or for having voted, or for abstaining from voting, should be bribery, and he would declare void the vote given by any person giving or offering, or asking for or taking any bribe. Those were the remedies which he would propose for the defects which had arisen in the present law, and which had arisen principally, perhaps, from the attempts which had been made to define the offence by words, an attempt in which they had not succeeded, and were not very likely to have succeeded. He came next to a very important question, on which, in former days, he used to consult a Member of that House, a right hon. Gentleman who had paid great attention to this, as he had to every other portion of the proceedings of the House, and who, if not usually able to attend, would, he hoped, give them upon this occasion the advantage of his assistance—he alluded to the right hon. Gentleman, the Member for the county of Montgomery (Mr. C. W. Wynn), not only because he was well acquainted with the general law of Parliament, but because he well knew this point. The point related to the indemnity of witnesses giving evidence before committees. As the law now stood, if a witness were called before a committee and asked a question, he could not be required to give any answer, if by that answer he should be obliged to criminate himself. By these means, the general inquisitorial power of the House was greatly limited. The House had passed several particular acts to indemnify witnesses who should give evidence before committees of acts of bribery. He believed, that the last of those acts was to indemnify the witnesses who should give evidence of bribery before the committee on the Stafford election. He proposed to have a general measure, providing an indemnity to parties who should give evidence of bribery, and then to compel these witnesses to answer upon oath all questions relating to those corrupt practices, so that they might be examined before the committee. He was convinced that by those means the House would be able to obtain evidence of great importance. The obstacle which now interposed and prevented the examination of witnesses, was the injustice of examining them without giving them an indemnity; but if they were indemnified they should be compelled to give the evidence, and thus, as he thought, the House would procure evidence of corruption that was practised with great art, with much concealment, and in so much darkness that it was impossible to be reached by an ordinary examination. There was another question which he had, at other times, brought under the consideration of the

House, and for which he had proposed, and would now propose, a remedy. He had frequently stated his opinion that the Grenville Act, whilst possessing many advantages over the system which prevailed before its enactment, yet carried with it many disadvantages which attended acts of the kind, and which must attend even the Act last year passed on the motion of the right hon. Gentleman opposite; because they were defects inherent to special tribunals. He meant that before the Grenville Act, although there was no doubt the decisions in particular elections, and with respect to particular seats, were frequently made from party motives, and for party purposes; yet the House considered that it was bound to look into the whole matter of the election as it regarded the constitution of the House; and, therefore, if the case brought before them was at all injurious to the constitution of Parliament, or corrupting the elections made to the House, it was in the power of the House, and as a matter of shame they were forced to inquire, into the whole subject; they looked beyond the decisions in the particular case; they expressly condemned such proceedings, and helped to establish what in the language of the Acts of Parliament was considered "free and indifferent elections." The case was different when a special tribunal was appointed, and what he objected to was this, that the special tribunal considered that it had before it the proceedings, not as they affected the constitution of Parliament, but as between two parties claiming a seat, just as if they were two parties in a court of law making adverse claims to property, and that they had to decide only as to which party the seat belonged. This consequence appeared to be obvious in the reports of committees for many years, and it was a consequence which was most injurious to the public interests. He thought, too, with respect to the report from the Ludlow committee, although he did not mean to cast any blame upon the committee, it was confined too much to the case before them, which they thought their duty, and they left to the House itself any general considerations respecting the borough. What he proposed was, that every election committee, when there were allegations of treating or of corrupt practices, should proceed to investigate those charges, without, at the commencement, requiring them to be connected with the sitting Members, and that they should report separately with the facts proved before them, and how they affected the sitting Members or the petitioners. By adopting this course, he thought that they would give the committees a scope, which more properly belonged to them, for they did not sit to decide merely whether A or B had a right to a seat in that House—whether Whig or Tory should have the election, but to come to a determination upon a question in itself of the highest importance—the independence and purity of that House. He had now stated the course which he proposed to pursue with regard to a general measure upon this subject, and he had done so because he thought that no proceeding should be taken with respect to these election committees, either as to issuing the writ, or refusing to do so, without the House having had some statement, on the part of some Member of that House, whether there were any means, and what, of providing a cure for the great evil which existed. But he thought that there were other lights in which this question might be viewed. It appeared to him sufficient for any purpose that he could usefully effect, that he should undertake to bring in and frame a general measure upon this subject. He had formerly engaged in many of these questions with respect to the delinquency of parliamentary boroughs, and he had endeavoured, both at the bar of the House and otherwise, to detect these corrupt practices, and to bring the parties implicated to punishment, or to propose a remedy for the existing evil. The House would at once feel, however, he thought, that in his present occupation it was quite impossible for him to undertake, even if he thought it proper, any question of this kind. He had then had time and leisure to attend to the inquiries which he thought affected the purity and character of that House; and, he must say, that he did not find the Minister of the day, Lord Castlereagh, present any obstacle to his pursuit of that object, but of course, it was impossible that he should now attempt to go into any particular inquiry with respect to these or any other similar cases. He had already said, that he did not think that a sufficient case was made out with respect to Ludlow to entitle the House to suspend the writ. There might be a question, whether there had not taken place proceedings at other elections for the same borough, which showed that corruption and corrupt practices were not merely "casual" there, which he thought was the expression used in the resolution of the House; but he would merely observe that the committee did not go into the case, and there appeared to be no sufficient ground for refusing to accede to the motion of the noble Lord. But, although he did not wish to pursue the inquiry with respect to any of these boroughs, yet he did desire to state to the House what he thought of the general prevalence of these practices, and of what had been done in former times. After the Revolution, it appeared that a great influx of bribery had taken place, and the practice of treating had become more frequent than before, and in consequence the greatest degree of vigilance and severity was called for to put it down. A similar event occurred after the passing of the Reform Act; and after both these events, the one and the other giving a great extension of popular influence, attempts were made to degrade those electors to whom the new powers were given, by means of direct bribery. Neither the great measure of 1688, nor the Reform Act of our own days could entirely root out the system of corruption—the means of influence were not destroyed, and the old system was revived. Now, he wished to state to the House what were the proceedings adopted by the House of Commons after the Revolution on this subject: he wished to show, that if he did not oppose the suspension of the writ in this case it was from no want of precedent, for that course had been adopted in former times, not only as being within the power, but as being the duty of the House. When the House found, that the practice of corruption was becoming more and more frequent, the independence and the character of the House were felt to be affected, and one of the means adopted was the proposing and carrying a general measure with respect to bribery and treating. But this was not their only measure. They took other proceedings, and a proposition was made for disfranchising the borough of Stockton. That was proposed on the 21st of December, 1696, and it was carried that the writ should be suspended. An inquiry with respect to the borough was subsequently instituted, but the franchise was not restored for a year afterwards, on the 13th of December, 1697, when the electors having confessed themselves guilty, and thrown themselves on the mercy of the House, it was ordered that the new writ should issue. In the year 1700, it was ordered that no new writ should issue for Great Grimsby during the Session, and some of the persons implicated were committed to the custody of the Sergeant-at-Arms. In 1701, it was ordered that no new writ should issue for Bishop's Castle during the Session, and the candidate was ordered into custody. In 1701, Mr. Booth, the candidate for New Shoreham, was also committed, and no new writ was issued. In 1703, also, it was ordered that the writ for Newcastle-under-Lyne should be suspended during the Session. The House did not stop there, however, but in many other cases, especially that of the Shepherds, the elder of whom was sent to the Tower, the House had shown a determination and decision by every means it could adopt to prevent these practices and similar proceedings had been subsequently taken with respect to Thetford, Wootton Bassett, and many other places. Now, he wished to state this, not only because he thought that this House should be reminded of what was done in former times, and in very good times, with respect to these cases, and because, in agreeing to the motion of the noble Lord, he did not wish to be at all precluded from following such a course as he had pointed out, if he saw occasion, on any future opportunity, for he thought that the cases which he had alluded to were good precedents, and that their ancestors were perfectly justified in taking the steps which they had taken, for the purpose of securing the independence of the House, and he considered that the evil which existed was of such vital importance, and that it would so completely destroy the independence of Parliament, that the House would be fully justified in adopting such proceedings as had been before taken. There was another proceeding taken, to which he would also call the attention of the House, because it was of a nature still stronger than those which had been before mentioned; but which, if all other resources failed, Parliament wonld be justified in adopting. It was this; that in 1690, with regard to the borough of Hitchin, and in 1691, with regard to Chippenham; the House having found that the person returned as a Member had been guilty of corrupt practices, it not only took away the seat from him, but it gave it to the person next on the poll. This was a plan which was certainly objectionable, as not giving due weight to the majority; but it was that which was also adopted in cases where persons were disqualified from any cause. This, however, was not what he wished to propose in his bill, but he mentioned it as a thing which might in some cases be adopted; and it might be provided that where these practices of bribery and treating became known, it should be competent for any person who was himself no party to any such proceedings, to give notice to the electors, and the votes would in consequence become void. That was the law of election now as regarded treating to a certain extent. For supposing a person to have been found guilty of treating, and to put up a second time for the same place, though he should obtain a majority of votes, he would not obtain his seat, and he owned that he thought that in a case where two persons in a borough were carrying on this system of bribery, striving who should obtain the greater number of votes by such means, it ought to be provided that any person being also a candidate, who should become acquainted with the fact, and should give notice of the circumstance to all parties concerned, should, being himself free from suspicion, obtain the seat. He believed he had now stated both the measure which he meant to propose, and the course which had been taken by the House upon similar proceedings in former times. He believed that this was not only a time when they should take advantage of any opportunity of this description which offered itself, to express their feelings upon the subject, but that they should seize every occasion to show that they were disposed to put an end to scenes of a nature so demoralizing, and so fatal to the constitution of the country. It was, he believed, in fact, the consequence of our having extended popular privileges, that these attempts were made—that extension of the power of popular opinions had occasioned such scenes as he had described, because persons looked upon the voters as persons to whom bribes might be paid, and followed them just as the battles of Salamanca and of Waterloo were followed by vultures and carrion crows. Thus, that which in itself was considered a benefit, was found to produce a still greater evil, although it might be supposed by some that he took an exaggerated view of the mischievous consequences produced. He believed, that there were many persons who did not hesitate to declare their opinions that it was almost a necessary evil, that this was a part of the law which need be observed, and that the system which existed, had continued, and must continue, in spite of the law. Now, he would not use any words of his own upon the subject, but the words of a very eloquent writer, because he thought, that the words which were used, and the fact of their being employed upon an occasion of a general, and not a political subject, gave them great weight. Mr. Thomas Gisborne, in an "*Inquiry into the Duties of Man*," said:—

> "But the lavish expensiveness of elections extends its pernicious influence far beyond the leaders of the contending sides. It promotes almost every kind of vice, and supplies, without limit, the materials for drunkenness to the voters and their families, with all its attendant effects on their morals and habits of life. It is injurious to the peace of society, by familiarizing the lower ranks to scenes of profligacy and riot. It is injurious to commerce, by accustoming the manufacturer to idleness and intemperance, thus rendering him indisposed or unable to work. It is injurious to the national strength, by ruining the health together with the morals of the subject. It is injurious to the constitution, by extinguishing public spirit and virtuous principles of political conduct in the breast of the people, and by impressing the considerate and the good with such an abhorrence of the numberless mischiefs arising from it, as to deter them from coming forward as candidates and almost to inspire them with disgust against elections and Parliaments. In all these different ways, as well as by its immediate effects on the House of Commons, it preys on the welfare, and endangers the stability of the empire."

He thought that these words were of great importance, and that they were quite true; for that if the existing evil were permitted to continue, it would indeed, be found to prey upon the vitals of the empire. He trusted, however, that in agreeing to the issue of this writ, they were not countenancing the scenes of profligacy which had been exhibited; and he hoped that, besides the authority of Parliament, and any measures which might be taken by that House, there was a feeling on the part of the public, which would discountenance, and would prevent their continuance. There were many persons living in the neighbourhood of this borough, whom he should look to for setting every good and virtuous example. With regard to the family mentioned as connected with the proceedings on the one side, he well knew the character of the noble Earl at the head of it, not only as regarded his private virtues, but the faithfulness and zeal with which he discharged his duty as a public officer of the Crown, as well as the other members of it, and he was sure they must in their hearts disapprove of the system which had been carried on, and which must tend to destroy the constitution of the country, to render the electors unworthy of the high trust reposed in them, and finally to injure the political system of Parliament. He should select an early day for further bringing the subject under the notice of the House.

The Earl of *Darlington* would offer a very few observations to the House, in answer to what had fallen from the noble Lord. So far from disapproving of the principles which he had laid down, and so far from differing from him, as to the necessity of the measure of which he had given notice, he could only say, that there was no part of it in which he should not concur. He assured the noble Lord, that he wished that he should not be considered to have acted rashly or hastily in bringing forward this motion. After having waited several days after the evidence had been printed, he thought that sufficient time had elapsed to enable every hon. Member to become acquainted with it, if he chose; and he conceived also, that if there had been any intention to move a suspension of the writ, a notice to that effect would have been placed upon the paper.

Mr. *Hawes* said, that he could not reconcile it with what he considered to be his duty, to give up the motion which he had made on a former evening, for the purpose of obtaining a select committee for inquiring into the corrupt practices which had been proved to exist at the Ludlow election, in consequence of anything which had fallen from the noble Lord the Secretary for the Colonies.

Lord *John Russell* begged to say a few words in explanation. What he had intended to say was, that although he should vote for the issuing of this writ, that did not preclude him, if he should think proper, from subsequently giving his vote also in favour of an inquiry into the state of the borough, without at the same time saying, that there was sufficient to induce him to oppose the issue of the writ.

Mr. *Hawes* must still persevere in the amendment which he had before proposed, for a committee to inquire into the practices carried on previous to, and during the election; and he could not help thinking, that on the evidence there were ample grounds for taking this course. It appeared to him, that both with respect to the character of the House, and its best interests, if these practices were known in any instance to prevail, they ought not to be allowed to pass without a most searching inquiry being made into them. The omission to adopt such a course as he recommended, he thought, would be only to bring the House into disrespect and contempt. He had said, on a former occasion, that bribery was as bad as treating. He begged now to repeat that declaration, that between treating and bribery he made no distinction, and he thought that any man who would take a person to the poll to vote, in a state of drunkenness, was unworthy of a seat in that House. For his own part, he begged to disclaim all party feeling upon this subject; but he must say, that he had been astonished that hon. Members opposite had sat silent on a question of this sort. He was surprised that persons who were so zealous in defending the interests of the church, had not come forward to condemn the practices proved in this case to have existed. The evidence went to show facts which he thought would fully justify this amendment, and which proved bribery to have been carried on in the coolest and most business-like manner. George Tilley, landlord of the Compasses, was asked—

"Do you remember any conversation taking place?—Yes.

"What was the conversation?—That Mr. Downes and Mr. Alcock had come amongst us again to be a candidate.

"Did any thing else pass?—Yes; there was a good deal of conversation; Evans, of the Elephant, and me were leaving; Mr. Downes called us back, and said we were to use every endeavour, and render every assistance to win the election, for they were determined to win, they were determined to go all lengths; Mr. Alcock and Mr. Coppock coincided with him. They heard it, they were all sitting at the same table. Mr. Coppock and Mr. Downes said they hoped I would use every endeavour to prevail on Cook; Mr. Alcock would make him any recompense—return him tenfold any loss he should sustain by supporting Mr. Alcock. The witness sees Cook and says,—After taking a little more wine he got more inclined, he did not stand out so much; he said he would trust to no promises. I said, if it is money you want, you can have it no doubt. Witness then adds, that Cook said, if I would tell Mr. Downes privately, if he would place a handsome sum of money in my hands for him (Cook), he would come and vote for Mr. Alcock. Mr. Downes, the witness, states, was seen, and said Cook was as deserving a man as any man, and he might as well have it as others, and he should have it. Mr. Coppock said he should have 25*l.*

"When Mr. Coppock came to your house, what did you say to him?—I said, here is Samuel Cook. Mr. Coppock passed him, and went into the smoking-room.

"And there he gave you three ten-pound notes?—Yes, from among a great number.

"Did they come to your house?—Yes.

"Who?—Mr. Downes, Mr. Coppock, Mr. Tyler, and me. Mr. Coppock and Mr. Downes sat down; Mr. Tyler stood up. Mr. Downes said, 'Now, Mr. Tyler, let me settle with you first; what can you do with Bromfield?' I said he would not vote for Mr. Alcock on any account, but if I offered a sum he will go out of the way. Mr. Downes and Mr. Coppock consulted what Mr. Tyler should offer him; one of them desired Tyler to go and offer him 10*l.* to go out of the way, and not vote, provided he was willing to be brought up to me.

"Do you mean your house?—Yes, he is a man that likes something to drink.

"You have said you was sent with a bottle of gin and a bottle of brandy to a voter named Bright?—Yes.

"What were you to do with him?—To have kept him drinking the liquor, that he might be kept out of the way till the next morning, in time for polling. He voted for Mr. Clive.

Edwin Phillips was asked,

"You do not recollect whether he (Revis) said anything to you about fifty reasons or not?—I cannot say.

"Did you understand his object to be to offer you money?—Most certainly; I was well aware, that if I had complied, money would not have been wanting to any extent.

J. Wade was asked,

"Revis came on Tuesday morning, and found you at your office?—Yes.

"What did he say?—He first said 100*l.*; then he says, 'Will 150*l.* do?' I said, 'No, it will not.' He said, 'Will 200*l.* do?' I said, 'No.' Then he offered me 250*l.*, and he says, 'Will that do?' I said, 'No.' He says, 'My power is unlimited—name your own sum.' I said, 'I will not. I told Mr. Alcock I would vote for him.'"

Timothy Meyrick, a miller was asked,

"What did Mr. Griffiths say?—He said, which way do you mean to come out this election? I said for myself; on which Griffiths said, 'Oh, if you mean that, I will put 100*l.* into your pocket.' He turned round and looked to Mr. Coleman, who said he would warrant him all right."

Meyrick then has an interview with Mrs. Coleman, who inquires of the witness if 30*l.* would do. He says no; adding that he understood that they had been bidding hundreds. She says no; fifty pounds was ten pounds more than they had given to anybody. They were willing to give me 50*l.* The witness gives the money to Mr. Coppock, and votes for Mr. Clive. He was sure that no one would deny the necessity of inquiry, and he did not see why, when the writ was issued, the door of investigation should be closed. The effect of doing so in this case, would be only to tell the electors to be a little more cautious at the next election, and that they would be sure to be preserved from any inconvenience, and he thought that the very fact of the noble family which had been alluded to having adopted means so unworthy, with a view to secure a seat in that House for one of its Members, was, undoubtedly, attributable to the inattention of the House of Commons to such matters. The hon. Member concluded by moving that a Select Committee be appointed to inquire into the extent to which bribery and intimidation existed at the last election for the borough of Ludlow, and that, pending the investigation, the writ for that borough be suspended.

Mr. *Hume* rose to second the amendment. The noble Lord the Secretary for the Colonies had, in his opinion, made out a complete case to justify the appointment of a select committee. He was satisfied that every person in that House who had heard the noble Lord describe the scenes which had taken place at Ludlow, or who had read the evidence taken before the committee, fully expected that the noble Lord would have concluded his observations with proposing the appointment of a committee of inquiry. The noble Lord had admitted, that the Ludlow committee had stopped short in the investigation, and yet the noble Lord had said, that he would not oppose the issuing of a new writ. For what purpose had the noble Lord described those scenes of drunkenness and quoted those precedents which he had referred to? He, for one, had thought that those precedents had been brought forward to justify a motion for inquiry on the part of the noble Lord, and he was therefore surprised that the noble Lord should have stated his determination not to oppose the issuing of a new writ. It had been said, that public opinion was against such proceedings as had taken place at Ludlow, but how, he would ask, could public opinion correct such evils when that House would do nothing for the punishment of such offences, and when it passed them over as unworthy of notice? Good might follow from the bill proposed by the noble Lord, but he thought that the writs for both Ludlow and Cambridge ought to be suspended till they saw whether that bill would pass into a law. He most cordially supported the amendment of his hon. Friend.

Sir *R. Peel* had already stated, that during the whole course of these proceedings he had acted from the impression that in this individual case the evidence was not sufficient to justify the suspension of the writ. He did not agree with the noble Lord opposite that this one case was sufficient to call for a general measure. He thought the rule which was applicable to the present case ought not to be the rule in every case. He was of opinion that every case of this nature which came before them must depend upon its own merits, and that it was impossible to frame a general rule which would be equally applicable to all. He had on former occasions voted for the suspension of writs and for committees of inquiry, but it should not be forgotten that a select committee was far less satisfactory in investigations of this description than an election committee. The powers of a select committee were less, and the opportunities of ascertaining the truth were greater, before an election committee than a select committee. Before a select committee, when the inquiry was into the general delinquency of the elective body, and when the result was likely to lead to the disfranchisement of the borough, it was often found that there was a strong unwillingness on the part of the witnesses to give evidence against the parties implicated, and with the limited powers of such a body there was no means in such cases of fully ascertaining the truth. A select committee could not examine upon oath, while an election committee had that power, and the investigations of the latter body were, therefore, far more satisfactory than those of the former. In the course which he had pursued on this occasion he had been influenced by what seemed to him to be the prevailing opinion of the committee. He had never seen proceedings indicating a greater desire to ascertain the truth than those of this committee. He had never seen anything more satisfactory than the proceedings of this committee, and he rejoiced at it. There had been a total absence of everything like party feeling, and he believed there had been no difference of opinion, nor even a single division. [Lord *Sandon:* There was one division.] It appeared to him that the members of the committee were one and all impressed with a deep sense of the judicial functions which they were called upon to exercise, and that they had in consequence acted with the most perfect impartiality. When there appeared a disposition on the part of the agents of either party to withdraw any part of the case, the committee had determined to persevere, and, in fact nothing could have been more satisfactory than the whole conduct of this body. But after all the investigation which had taken place, he was of opinion that the impression on the minds of the members of the committee generally was, that there was not sufficient evidence to justify the suspension of the writ. It was true, that one hon. Gentleman seemed to think that treating had been carried to an improper length, but he thought he was justified in saying, that the impression generally in the committee was, that although individual acts of bribery had been established, yet, upon the whole, that it had not prevailed to an extent sufficient to justify the suspension of the writ. If the impression had been otherwise, he felt little doubt that the chairman or the noble Lord, the Member for Northumberland, or some other Member of the committee, would have given notice of a motion upon the subject. Many of the Members of the committee differed from him in politics, but he was sure that if there had been a case to justify the suspension of the writ, a notice would have been given that it was the opinion of the committee that further inquiry was necessary. He, therefore, thought he was entitled to draw the inference that the impression upon the minds of a majority, of a great majority, of the committee, was, that there was no case to justify the suspension of the writ. It was upon that opinion he had acted. But it was said that the evidence showed that there had been treating, and the noble Lord had contended that treating was as bad as bribery. Treating might be perverted to the purposes of corruption. Let them, if they pleased, establish a new law that corrupt treating should be considered as bribery. He quite admitted that it might be carried to that extent. But hitherto the law had recognized the difference. They might establish a new course for the future; but it would be indeed a hardship to give any such measure a retrospective operation. He retained the opinion which he had expressed on a former evening. Having taken with respect to other boroughs a course favourable to inquiry, and in some instances voted for the suspension of the writ with that view, still he felt that each case must be decided in virtue of its own particular merits. Yet, on the whole, looking at this case of Ludlow, he did not think that they were warranted in suspending the writ. As the hon. Gentleman had declaimed about party motives, he (Sir R. Peel) might also take occasion to state that in these proceedings he had not been in the slightest degree influenced by considerations of party. The hon. Member for Finsbury had stated that they felt secure of returning a Radical at the ensuing election for the borough. In the face, then, of that declaration he (Sir R. Peel) was ready to abide by the opinion which he had expressed. With respect to the general measure of which the noble Lord gave notice, he thought it much more decorous to say now that he would cheerfully cooperate with the noble Lord in devising an effectual remedy against bribery, as well as against treating for corrupt purposes. With the general measure of the noble Lord he concurred, and he thought it better to make this statement than to bind himself to any particular enactment. With respect to treating, which was a question of considerable difficulty, he should not feel the slightest hesitation in extinguishing it, if it were practicable. The great difficulty of dealing with it was the difficulty of defining it. It depended altogether upon the *animus*. In some cases it was perfectly innocent; in others it was as corrupt, and led to the same consequences, as bribery. For instance, the inviting of one's friend's to his own House to discuss the prospects of an approaching election, although they were brought together *bonâ fide* for that purpose, and although confidential communications had been carried on between the parties before, was undoubtedly a perfectly innocent act. Yet, if a candidate did so, in the eye of the law it was treating. On the other hand, the indiscriminate opening of public-houses, the inviting of voters to them, and the accustoming of them to habitual drunkenness—that also was treating, and not more punishable by law than the other. Yet who would deny, that it was of a totally different character? It was very questionable whether any of the noble Lord's suggestions would attain his object. "There shall be no treating," he said, "for a month after any election." Now, nothing could be more easy than for the candidate to give notice, that at the expiration of one month after the election there would be a most liberal system of treating on both sides. But the noble Lord met the case with another provision, which would be truly effectual, for he made all treating before a general election subject to the consequences of bribery. Now, this would include a period of six years, or six years and a half, before the election. The noble Lord's provision, therefore, with respect to the month following the election would appear to be scarcely necessary. His advice to the House would be, not by attempting too much to run the risk of defeating the very object which they had in view. How often did they find that severe punishment defeated the intention of the Legislature. If they confounded innocent with guilty acts, their law could not remain long in force. The habit and disposition of the country was rather one of general hospitality; and if they attempted too far to run counter to the general habit, he only feared that the best intentions might be defeated. The noble Lord must take care that the habit of treating did not become transferred to the candidate's zealous and powerful friends. Suppose eight or ten gentlemen, in the interest of a particular candidate, found that treating had prevailed as the universal practice in the county or borough, there was great danger that, without meaning to corrupt, without intending to produce debauchery or excess, intending or asserting that they meant only to continue an old practice of hospitality, which would be undoubtedly innocent if it were not connected with an election, these friends of the candidate would take the very course which was prohibited to the candidate himself. With respect to bribery, there was no question that if they could make the law more efficacious than it was at present, they should do so. He was afraid that the law was stringent enough at present. In the case now under consideration both parties lost the seat. Another remedy was, that the Attorney-general could prosecute, and that the House could give him a direction to that effect. The letter of the law was therefore tolerably strict. The noble Lord, by enlarging the powers of election committees, retaining to them still the authority to administer an oath, and extending the sphere of their inquiries, might effect much in developing these practices. But he would find it necessary to give the committee, thus invested with new authority, the power to adjudicate at once on the rights of the individuals appearing before them. It would be hard to expose these parties to the expense of an inquiry into matters affecting the general state of the borough or other constituency. When the committee had made up their mind as to who had the right to sit, they should, in his opinion, come at once to a decision. The expenses of this part of the inquiry should be divided between them; but they should be relieved from the expense of the further inquiry as to the delinquency of the borough. If they subjected them to too much expense in matters, too, which ought not to fall upon them, the inevitable consequence would be that no parties would appear before their tribunal. The expense and anxiety attendant upon election committees were onerous enough already. The noble Lord had also spoken of an indemnity to witnesses. Upon that subject, he would be disposed to give every consideration to all those additional means of giving protection to the parties who gave evidence under such circumstances. He would give them all the protection which was necessary to prevent them from sheltering themselves from giving evidence on the plea that they would be committing themselves. He did not think that it would be expedient at present to enter further into these details. The hon. Member for Lambeth had expressed surprise that no strong observation had been made on his (Sir R. Peel's) side of the House in condemnation of the practices alleged to have prevailed in these boroughs. Now, it was not absolutely necessary to deal in excessive declamation upon such matters. He for one, thought that it would be greatly for the interest of both parties if men were to come forward and honourably lay claim to seats in Parliament upon the strength of their political principles and character, doing away with those corrupt practices altogether. He was quite opposed to such practices. Neither party derived substantial advantage from them. The general debauchery and corruption which prevailed upon such occasions must sufficiently satisfy any person resident in the country, after a contested election, of the great benefits which would result from extinguishing these practices. Still he thought it might be a fair question, whether any permanent system of conveyance of voters might not be provided, together with a pecuniary provision merely for reasonable allowances. This might be very effectual, if they could prevent it from degenerating into abuse. He would conclude by expressing his desire generally to do what could be done by law to prevent the continued existence of corruption and bribery.

Mr. *A. Sanford*, as chairman of the committee, begged to thank the right hon. Baronet for the manner in which he had spoken of their proceedings. The right hon. Baronet had inferred that had the committee believed in the existence of any general system of bribery they would have reported it to the House. His own opinion (and he begged to be understood as expressing his individual opinion only) was, that the committee felt that they were called upon to decide upon a limited number of cases, and that the instant they came to an affirmative decision on one of those cases, it became their duty to intimate to the counsel for prosecuting such cases, that the committee were satisfied that bribery had been committed, one case of bribery being sufficient as the House was aware to establish the case of the petitioning party. The committee felt, also, what had been urged by the right hon. Baronet, that in asking the prosecuting party to proceed beyond the point that was necessary to establish his case, they would be unfairly putting him to expense, and, at the same time, putting him in the situation of public prosecutor.

He must say, however, that as far as the opening speech of the counsel for the prosecuting parties went, even if it had been all in proof, there would not have been made out such a case of general bribery as would justify the suspension of the writ. Of treating, on the other hand, there was a most extensive and general system, not confined to any one class, but extending over all classes of the electors, persons of the highest and most respectable description attending the public-houses, which were indiscriminately thrown open to all. Those houses, too, were opened in a very peculiar manner—not by the direct orders of the candidates or their agents, as far as the evidence went to show, but with a full and complete understanding on the part of the owners that the candidates would pay all the expenses. Candidates, agents, and electors, all gathered together in these houses, all receiving every kind of refreshment, but the electors receiving no demand for payment, nor paying anything for the refreshment so liberally supplied to them. The committee thought it necessary to call for the accounts of the keepers of these houses. When they came to examine them, they found that they had been falsified. About the question of a general system of treating having prevailed there could be no doubt; the question was whether such treating formed a ground for suspending the writ. He had looked into all the cases, and had met with no case of a writ suspended on that ground. His opinion, therefore, was, that on that ground there was no case for the suspension of the writ; and he had, therefore, voted in the divisions that had already taken place, not against the renewal of the writ, but for the adjournment of the question, in compliance with the wish of his hon. Friend the Under-Secretary to the Treasury. One observation he would make on the proposition of the noble Lord, though, as chairman of the committee, he had thought it fit to abstain as much as possible from entering into subsequent discussions. He wished to see one check to bribery added to those proposed by the noble Lord. He did think that in an assembly of Gentlemen, such as that House was, no difficulty should be thrown in the way of Members when first elected coming to the Table, and taking an oath that they had not, either directly or indirectly, been guilty of any bribery. He felt this so strongly, that he would feel anxious, on the noble Lord introducing his measure, to introduce a clause with reference to that object.

Mr. *Warburton* said, that he differed from the opinion which had been expressed by the right hon. Baronet opposite, that there had not been a sufficient case made out for sending this case for inquiry before a select committee. The hon. Member for West Somersetshire (Mr. Sanford) had explained very clearly the reasons why he thought that it should not be sent to such an inquiry. He (Mr. Warburton) begged leave, however, to remind the House that Mr. Cockburn, in his opening speech, had stated that he was prepared to open and prove against Mr. Clive himself one of the most aggravated cases of wholesale corruption that had ever been brought within his knowledge, and that he had afterwards opened ten different cases of corruption. As soon as the first of those ten cases was established, the members of the committee thought, that as they had before them one case on which they could convict, it was not part of their duty to proceed into the investigation of the other nine cases opened to them, and therefore their labours were terminated, as he thought, very prematurely. Now, as one case of corruption had been distinctly made out, and as counsel had stated, that he could make out nine others, he wanted to know whether the House would stop where it then was, and, on the mere allegation that no extensive bribery had been established, would refuse to inquire into those nine cases! He contended that on such a *primâ facie* case the House was imperatively bound to proceed at once to inquiry. On each of those nine cases the House might collaterally obtain proof that extensive bribery had been practised in the borough of Ludlow. If they determined to inquire, then, in pursuance of all former precedent, they must agree to suspend the writ till the inquiry was terminated. When the motion came on for issuing a new writ to the borough of Cambridge, he should take the liberty of presenting a petition to the House, which he had received from the electors of that borough, praying for further examination into the corrupt practices which prevailed there, in protection to those electors of that place who had exercised their franchise honestly. He reminded the House that it was not the dread of pains and penalties, but the dread of exposure, which operated most forcibly on the noblemen, and the sons of noblemen, who entered upon these corrupt and guilty practices. With respect to the bill, of which the noble Lord had given them some description that evening, he should be glad to hear that it contained clauses to prevent, not only treating and bribery, but intimidation also. For intimidation, by degrading the voter in his own estimation, prepared him for the reception of bribery and corruption. The noble Lord, therefore, if he wished to render his bill perfect, should prepare a clause to protect the voter from that intimidation to which he was now so regularly and so notoriously exposed. There was also another point on which he thought that the noble Lord's bill might be very materially amended. As the law stood at present, after an election committee was appointed, and the two parties were fairly pitted one against the other, and were exposing the misdeeds of which they had been mutually guilty, there certainly appeared some chance of the malpractices prevalent in the borough being exposed. But could no hon. Member remember a case, or rather could not every hon. Member who then heard him remember many cases, in which, from the dread of exposure and of its consequences, both parties had declined to go before the committee? The noble Lord proposed that when the parties had once been before the committee, the committee should have power, if they saw reason for supposing that further delinquency could be exposed, to prosecute their inquiries, even though the parties had mutually retired from the investigation. He thought that still further extension ought to be given to these inquiries, and that if a petition were once presented, a committee should have power to inquire into the allegations of it, even though the petitioners themselves should be anxious to withdraw it. There was also another point to which he wished to call the attention of the House, however briefly. One of the arguments used by the noble Lord on introducing the Reform Bill was, that the House of Commons, as then constituted, had lost the confidence of the people. The noble Lord, in the same speech, instanced the evils of bribery, and mentioned, with great indignation, the excessive corruption and venality which prevailed in the then unreformed borough of Liverpool. Now, if some means were not taken to prevent such bribery and corruption as had been proved to prevail recently at Cambridge and Ludlow—if sufficient protection were not given to the honest and independent electors of the country, could the noble Lord expect that this Parliament, though it called itself a reformed Parliament, would retain the confidence of the people? Nay, was not that confidence already lost, when noble Lords and hon. Gentlemen opposite declared that transactions of this kind were of every day occurrence? From the statements contained in the petition which he had received from the electors of Cambridge, it appeared that the investigation of the House of Commons into the bribery which had been practised there, was a constant source of laughter to those who had practised it, that those who had dispensed the bribes were talking freely about treating and bribery at the next election as they had done at the last, and that those who had received the bribes were anticipating another donation of them with the utmost confidence and delight. He should certainly vote in support of the amendment proposed by his hon. Friend, the Member for Lambeth, and he hoped that, when the noble Lord brought in his bill, he would correct those imperfections which appeared in its provisions, according to the outline of them which he had that evening sketched to the House.

Viscount *Sandon* rose for the purpose of correcting an erroneous impression which had got abroad respecting the conduct of this committee. It seemed to be understood in the House that the committee had closed the investigation with an intimation to counsel that they need not carry it further, as sufficient had been proved to vacate the seat. Now, no such fact had taken place. On one side there was only one case of bribery alleged—on the other there were ten cases alleged. The committee had examined into five of those cases, and had never hinted its opinion upon one of them to counsel until they had closed their case. So far from it, the committee pursued its investigations for some time after Mr. Clive had announced his intention to retire from the contest. He did not think that hon. Members opposite had a right to taunt hon. Gentlemen on his side of the House with being the abettors of bribery and corruption, when they recollected that it was before this very committee that the immaculate secretary of the Reform Association had been convicted of dispensing bribes when they recollected that it was this very secretary (Mr. Coppock) who had got up and presented fourteen reform petitions against the return of hon. Members on his side of the House, for the mere purpose of disqualifying them from sitting on election petitions. He confessed that, he did not think that the Reform party had any right to taunt the Conservative party in that House, with a peculiar attachment to corruption, or to glory in their own unimpeached and unimpeachable purity. He knew that, it was the custom of hon. Gentlemen opposite, whenever his friends would not redress a grievance by the commission of an act of injustice, to taunt them with being supporters of the grievance, and to keep out of sight that their objection was to the mode, and not to the necessity, of redressing it. He hoped that the crime of bribery would be pursued henceforward with all the rigour of the law, but not with a rigour beyond the law. And, as the House had never yet come to a resolution declaring that treating was sufficient to disqualify a constituency, he had no difficulty in voting upon this occasion in favour of the motion for the immediate issue of the writ.

Mr. *Goring* informed the House that the noble Lord who had just sat down had led the House, no doubt unintentionally, into an error respecting the proceedings before the committee. He would read from the minutes what the proceedings of that committee were:—

> "The committee-room was cleared, after some time the counsel and parties were again called in, and informed, that in consequence of the communication which was made to the committee yesterday by Mr. Austen, the committee had come to the following resolution:—'That Henry Clive, Esq., by his agents, was guilty of treating at the last election for the borough of Ludlow;' and the chairman added that he was directed by the committee to ask the parties whether, the committee having come to that resolution, it was their wish to proceed. Mr. Cockburn stated, that the object of those for whom he appeared, in proceeding further, was to prove acts of bribery, with a view to the matter being thoroughly investigated hereafter. After a discussion between the committee and counsel, Mr. Cockburn stated, that after the suggestion of the committee, he would conclude the evidence which had been commenced with respect to the vote of Timothy Meyrick, and then leave the case in the hands of the committee."

Such was the statement of the proceedings before the committee as given in the evidence attached to its report. He thought that the committee, acting on the principle of the Grenville Act, had come to a resolution that as soon as evidence was given sufficient to vacate the seat, the prosecution of the charges ought to be stopped. He regretted that the noble Lord had not moved for a commission to go down to Ludlow to inquire into these practices on the spot, for the purpose of disfranchising those persons who might be proved guilty of them. He submitted to the noble Lord, that one of the most effectual measures to stop bribery and corruption, would be to deprive the agents and others connected with the election of the power of recovering by law any sums expended or demanded for articles used for electioneering purposes. If the agents were thus thrown upon their own responsibility, it would go a long way to put a stop to all improper and unconstitutional practices. He had had some experience himself in these matters; but the suggestion which he had just thrown out, had been made by a gentleman who had been an electioneering agent, but who had now retired from business.

Mr. *Wakley* was glad to find, that the conduct of the minority during the last two or three days, had been completely justified by the observations which had fallen from the noble Lord the Secretary for the Colonies that evening. He was of opinion that, after what had fallen in the course of the present debate from the noble Lord and the right hon. Baronet opposite, it was quite impossible for them to oppose the institution of an inquiry into the system of treating and bribery prevalent at Ludlow. As both parties seemed to agree that the writ should be issued, he would entreat his hon. Friend to withdraw his amendment, and bring on the question of inquiry on another day, as a substantive motion. At present his hon. Friend would have no chance of carrying his amendment, and the proposition for inquiry by a select committee would not have a fair chance.

Sir *R. Peel* explained, that if a motion for inquiry should be made on a future day, he should judge for himself as to the expediency of agreeing to it, without considering himself at all bound to any course. All that he had said was, that an inquiry of this kind before a select committee always had an unsatisfactory result, as the committee did not possess the powers of an election committee.

Mr. *Aglionby* said, he should strenuously recommend his hon. Friend, the Member for Lambeth, to press his amendment to a division, and if he did so, were there but half-a-dozen to join them, he would divide with them. He asked what new circumstances had transpired to render that course wrong now which was right the other night. If he had not thought the noble Lord entertained the same view of this question with himself, he would never have persisted in those divisions. The hon. Gentleman then entered into a detail of the proceedings of the committee, and said, he could not but think the counsel were of opinion the committee had done their duty, and that it was not necessary for them to proceed further, as the matter would be investigated before another tribunal. On these grounds he voted with the hon. Member, for Lambeth, and would observe to the noble Lord the Member for Liverpool, the very circumstance mentioned by the noble Lord, made it imperative upon him to show that he was not acting in this business from party motives. As to the suspending of the writ, and the committee of inquiry afterwards, they must take place together or not at all. The noble Lord at the head of the Government had quoted a variety of precedents; and when he thought the noble Lord was going to act upon them, he found he meant to act directly contrary, and consent that the writ should issue; but although the noble Lord had not convinced himself, he had convinced him, and he should therefore, support the amendment of the hon. Member for Lambeth.

Mr. *Horsman* said, the case of Ludlow might not have been worse than many previous cases, but it was very bad, and under a new system of trying election petitions, the public had a right to expect a rigid inquiry into every case of corruption. The system was brought to the utmost perfection at Ludlow. The machinery of treating was complete, and yet it was almost impossible to discover those who set it in motion. It was attempted on the other side to throw discredit on the evidence of Mr. Revis, by whom bribery was proved against the Conservative candidate. His bankruptcy was examined into, and his character impeached; but all that could be said against him might have been said while he was still the agent of the Conservatives. He would read some testimonies to Mr. Revis's character, which were given by members of the Conservative party so lately as 1838, at a time when Mr. Revis's services to the Conservative cause were thought worthy of a piece of plate. The hon. Gentleman then read the following letters. The first was from Henry Whittall, Esq., director of the Commercial Bank of England, Ludlow:—

"Dear Sir—I understand that you wish testimonials from your old friends here to your new ones at Salop. I, for one, am proud and happy to have an opportunity of recording the well-merited approbation your talent and exertions have created, and to that I may add sincere regret at your departure. The general feeling and expression is, 'We ne'er shall see his like again.' You have, however, left behind such works as can never be forgotten whilst the fame of Revis's Rooms can be lisped out by the youngest Conservative, or gazed at with envy by the levelling Radicals. My pen will not do justice to such a willing, able, and powerful advocate for the good cause of Conservatism; but to that I would wish to say, honour and integrity in no small degree have ever marked your progress at Ludlow. These sentiments in a short time will be responded to by a present of plate now being subscribed for by the intelligent and influential part of our little borough; and as you are not so well aware of this matter, I send, in the mean time, the names of a few of the subscribers.

"I remain, yours truly,
"HENRY WHITTALL."

The second was from William Lloyd, Esq.:—

"Dear Sir—It affords me great pleasure to add my testimony to your zealous and indefatigable conduct whilst in Ludlow, not only in promoting the best interest of the Conservative cause, but generally, whenever an opportunity occurred in which your services were required for the good of the town and neighbourhood.

"I lament your loss, as well personally as on public grounds, but it is some consolation that if we have lost your services, our Conservative county will reap the advantage, and be much benefitted.

"I trust the testimonial your friends here will shortly present to you, will convince your new acquaintance of the estimation in which you were held at Ludlow.

"I am, dear Sir, your's faithfully,
"WILLIAM LLOYD."

Afterwards he was employed at the very last election, and on his arrival was greeted as an old friend, and admitted at once into the secrets of the party. Mr. Williams showed him the plan of the battle, and told him it would be a close fight, but that if money could win it, it should be won. Mr. Revis's evidence was full of various circumstances affecting several parties, who might have contradicted him if it had been possible, but they did not. Mr. Williams showed Mr. Revis a list of electors ready to be bribed. He would read it from the evidence. In answer to question 3473, Mr. Revis said, that Mr Williams showed him a list of voters who were to be bribed. He was subsequently introduced into a room, where he found Mr. Holmes, with several agents, who all appeared to look to him for their instructions. These circumstances might have been contradicted before the committee, but were not. The Conservative party appeared to find it easier to criminate than to confute Mr. Revis, and to vilify his character than to meet his statements.

Lord *Sandon* begged to know whether the hon. Member himself, in the committee, expressed confidence in Mr. Revis's statements?

Mr. *Horsman* said, that the question did not come directly before the committee. For his own part, he reserved his belief until he saw whether the other parties would be brought forward to confute the statements of Mr. Revis, and until the last moment he did not know but that they might be put into the box. Upon the whole there were abundant grounds for inquiry. A general system of treating was established, and both candidates were proved guilty of bribery. He should vote, therefore, for the motion of the hon. Member for Lambeth.

Mr. *T. Duncombe* said it was but just to Mr. Revis to state, that he had that morning received by post a petition from Mr. Revis, with a request that it should be presented before the debate came on. He had not presented it because it referred to the conduct of his hon. Friend, the Member for Berwick, to whom he should be sorry to be guilty of any discourtesy, by presenting it without his knowledge. He had since shown his hon. Friend the petition, and as he had no objection that it should be presented, he would state the substance to the House. The petitioner stated, that he was examined as a witness before the select committee on the Ludlow election—that he stated in evidence, that Mr. William Holmes was cognizant of certain bribery transactions at that election—that he was informed Mr. Holmes had denied that statement, although he was not examined before the committee to contradict the petitioner. The petitioner, therefore, prayed that the House would examine him at the bar, as well as other witnesses who could corroborate the charges made against Mr. William Holmes, or that the House would appoint a select committee for the purpose of hearing evidence touching the conduct of the said William Holmes. He (Mr. Duncombe) would present the petition as soon as the present debate was disposed of. In the mean time he should certainly vote for the motion. The scenes which were proved to have taken place at Ludlow called for inquiry. He did not wish to enter into particulars, but if hon. Members would read some of the evidence at page 165, [*cries of* "*Read, read!*"] He would read a few of the questions and answers from the evidence of Edward Cook, the landlord of the Angel, with reference to a meeting held at his house on the 18th of May. He was asked :—

"Was the room full?—Yes, pretty near.

"Was it pretty near or quite full?—Well, I say pretty near.

"Did you know many of the people?—A great many of the people.

"Were they Cliveites?—Yes, almost every one, I should say.

"You were doing your duty as landlord during the time they were there?—I was sitting down, drinking with them.

"You helped to fill the room, did you?—Yes.

"What was there to drink?—Anything as they liked to have.

"Spirits and wine?—Yes.

"And ale?—Ale, tobacco, and cigars.

"Anything to eat?—I dare say there was, but I do not recollect that there was any eating in that room; there was eating out, if they chose to go, I will be bound.

"Eating at the bar, and so on?—Yes.

"You will be bound there was?—I think there was: I will not swear there was any eating, but I think there was.

"When you say eating out, you mean in the house?—Yes.

"You were in the room; did you see the Cliveites help themselves freely?—Yes; there was more drinking going on, I know, than eating.

"When a bottle was empty, what happened?—We filled it again.

“That happened a good many times, did it not?—Yes, I should think it did.

“Your liquor is good; did you see any drunk?—Yes, a good many; I got drunk myself for one.

How late did you keep it up?—Sometimes till eleven, and sometimes till twelve: we have stopped occasionally till half-past twelve.

“I should think, by the look of you, you made a speech?—Yes, and sung my song too.

“Were you in the chair?—Sometimes.

“I mean on the 18th?—I forget who was what we call the chairman.

“Do you know Mr. William Lloyd?—Yes, very well.

“He is an attorney?—Yes.

“And a good Cliveite?—I should think so.

“You have no doubt about it?—Not the least.

“Tax your recollection whether you did not see Mr. William Lloyd in the chair that night?—I will not say whether he was or was not.

“Were you so drunk that you could not see?—No, I was pretty fresh.

“Whom did you last see in the chair?—I cannot recollect, because when one tumbles down, we always put another in.

Extensive as that evidence proved the treating to be at Ludlow, he did not think the Ludlow and Cambridge elections were worse than others, but the House having got those cases before it, he thought it ought to make examples of them.

The House divided on the original question:—Ayes 182; Noes 104: Majority 78.

List of the Ayes.

Acland, Sir T. D.
A'Court, Captain
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baldwin, C. B.
Barrington, Viscount
Bateson, Sir R.
Bentinck, Lord G.
Blair, J.
Blakemore, R.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Bucke, L. W.
Buller, C.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Calcraft, J. H.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A. H.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. H.
Drummond, H. H.
Duffield, T.
Dunbar, G.
Duncombe, hon. W.
Dungannon, Viscount
Du Pre, G.
Eastnor, Viscount
Eaton, R. J.
Ellis, J.
Farnham, E. B.
Fielden, W.
Filmer, Sir E.
Follett, Sir W.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Godson, R.
Gordon, hon. Captain
Gore, O. W.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Heathcoat, G. J.
Heneage, G. W.
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingham, R.
Irton, S.
Johnstone, H.
Jones, Captain
Kelly, F.
Kerrison, Sir E.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lefroy, rt. hon. T.
Lincoln, Earl of
Litton, E.
Long, W.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Marsland, T.
Martin, T. B.
Maule, hon. F.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miller, W. H.
Miles, P. W. S.
Morgan, C. M. R.
Morpeth, Viscount
Nicholl, J.
Norreys, Lord
Northland, Lord
O'Neill, hon. J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J S.
Palmer, G.
Parker, M.
Patten, J. W.
Peel, rt. hon. Sir R.
eel, J.
got, D. R.
Polhill, F.
Pollen, Sir J. W
Pollock, Sir F.
Powell, Colonel
Praed, W. T.
Price, R.
Pringle, A.
usey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherford, rt. hn. A.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Somerset, Lord G.
Sotherton, T. E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thomas, Col. H.
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Vernor, Colonel
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Wood, Colonel T.
Young, J.
Young, Sir W.

TELLERS.

Darlington, Earl of
Fremantle, Sir T.

List of the Noes.

Aglionby, Major
Archbold, R.
Baines, E.
Barnard, E. G.
Barry, G. S.
Bewes, T.
Blackstone, W. S.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, E.
Bulwer, Sir E. L.
Busfeild, W.
Butler, hon. Colonel
Callaghan, D.
Chester, H.
Clements, Viscount
Collier, J.
Collins, W.
Corbally, M. E.
Craig, W. G.
Currie, R.
Duke, Sir J.
Duncombe, T.
Dundas, D.
Easthope, J.
Edwards, Sir J.
Elliott, hon. J. E.
Ellis, W.
Etwall, R.
Ewart, W.
Fielden, J.
Fleetwood, Sir P. H.
Gillon, W. D.
Gisborne, T.
Goring, H. D.
Greg, R. H.
Greig, D.
Hector, C. J.
Hill, Lord, A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Hume, J.
James, W.
Jervis, S.
Langdale, hon. C.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S.
Marshall, W.
Marsland, H.
Muntz, G. F.
Murray, A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, J.
Pattison, J.
Pendarves, E. W. W.
Philips, M.
Pinney, W.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Roche, W.
Roche, Sir D.
Russell, Lord C.
Seale, Sir J. H.
Smith, B.
Somerville, Sir W.M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stuart, W. B.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Townley, R. G.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Warburton, H.
Ward, H. G.
White, A.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, Sir T.E.
Winnington, H. J.
Wood, Sir M.
Wood, B.

TELLERS.
Aglionby, H. A.
Hawes, B.

Writ ordered to be issued.

Cambridge—New Writ.] Sir *John Walsh* moved, that the Speaker do direct a new writ to issue for the election of a burgess for the borough of Cambridge, the last election being determined to be void.

Mr. *Warburton* remarked that the bribery at Cambridge was not proved to be so extensive as with regard to the borough of Ludlow, inasmuch as only one of the parties was proved to have been guilty of bribery, and the other party was not inculpated. Taking, however, into consideration the extent to which intimidation had prevailed, he felt it to be his duty to propose the same proceeding with respect to Cambridge which had been proposed with regard to Ludlow. At Cambridge, also, there had been, it was alleged, much bribery at former elections. The statements were to be found in the report of the committee which sat upon the subject of intimidation at elections. The first witness was an elector of Cambridge. He was asked as to the prevalence of bribery. When his examination took place, there had been three elections subsequent to the passing of the Reform Bill, and he mentioned cases of bribery, and that at the last election a house belonging to an alderman at Cambridge was kept open by one of the parties, and on a table in that house was lying from 300*l.* to 400*l.* for the purposes of bribery. The witness then referred to a document, signed by the present Bishop of Hereford, Professor Airey, and from forty to fifty other distinguished men, in reference to intimidation at Cambridge. That document was dated the 11th March, 1835, and he contended that the necessity for circulating such a paper was a stronger proof of the extent of intimidation than the proof of particular instances to be found in that volume. The witness was asked whether the circulation of such a paper would prevent the recurrence of the practice. The witness said, that he thought it might to some extent, but the proper mode of preventing it was the ballot. He had himself at first suggested this mode of taking the votes at the next election for Cambridge and Ludlow; but he had not followed up that suggestion, because he was convinced that the object could only be carried into effect by a bill; he should therefore content himself by making the same motion which had been already made, with respect to Ludlow—namely, that a select committee be appointed to inquire into the extent of bribery and treating that prevailed at the election for Cambridge, and in the meantime that the writ be suspended.

Mr. *Hume* wished to ask why it was, that the committee had passed resolutions respecting the bribery practised by the agents of Mr. Sutton. It was distinctly proved that there were fifty or sixty houses kept open where men could eat and drink as they liked, and nobody knew by whom it was that the orders were given. If the House passed over such conduct without punishment, it would hold out an encouragement to continue it.

The House divided on the original motion—Ayes 162; Noes 75: Majority 87.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt.
Alsager, Capt.
Arbuthnott, H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baker, E.
Baldwin, C. B.
Barrington, Lord
Bateson, Sir R.
Blackburne, I.
Blackett, C.
Blair, J.
Blakemore, R.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T.
Broadley, H.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Burr, H.
Burroughes, H.
Calcraft, J. H.
Chute, W. L.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T.
Codrington, C.
Cole, hon. A. H.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Damer, hon. D.
Darby, G.
Darlington, Lord
Dick, Q.
Dottin, A. R.
Drummond, H.
Duffield, T.
Duncombe, W.
Dungannon, Lord
Du Pre, G.
Eastnor, Lord
Eaton, R. J.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Godson, R.
Gordon, R.
Gordon, Captain
Gore, O. W.
Graham, Sir J.
Granby, Marquis of
Greene, T.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Heneage, G. W.
Hepburn, Sir T.
Herries, J. C.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingham, R.
Irton, S.
Johnstone, H.
Jones, Captain
Kelly, F.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, H.
Lemon, Sir C.
Lincoln, Earl of
Litton, E.
Long, W.
Lowther, J. H.
Macaulay, T. B.
Mackenzie, T.
Mackenzie, W. F.
Marsland, T.
Martin, T. B.
Marton, G.
Maule, hon. F.
Maunsell, T. P.
Meynell, Capt.
Miles, W.
Miller, W. H.
Nicholl, J.
Norreys, Lord
Northland, Lord
O'Neill, J. B. R.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, M.
Patten, J. W.
Peel, Sir R.
Peel, J.
Pigot, R.
Planta, J.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Sir W.
Richards, R.
Rickford, W.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rutherfurd, A.
Sandon, Lord
Scarlett, hon. J.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Somerset Lord G.
Sotheron, T. E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thornhill, G.
Trench, Sir F.
Trevor, hon. G. R.
Troubridge, Sir T.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Walsh, Sir J.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Barnard, E. G.
Barry, G. S.
Bewes, T.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Busfeild, W.
Chester, H.
Childers, J. W.
Clements, Lord
Collier, J.
Corbally, M. E.
Currie, R.
Duke, Sir J.
Duncombe, T.
Dundas, D.
Elliot, J. E.
Ewart, W.
Fielden, J.
Gillon, W. D.
Gisborne, T.
Greg, R. H.
Greig, D.
Hawes, B.
Hector, C. J.
Hill, Lord A. M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Hutt, W.
James, W.
Johnson, Gen.
Langdale, C.
Macnamara, W.
Marshall, W.
Marsland, H.
Morris, D.
Muntz, G. F.
O'Brien, W. S.
Pattison, J.
Philips, M.
Price, Sir R.
Protheroe, E.
Ramsbottom, J.
Seale, Sir J. H.
Smith, B.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Thornely, T.
Turner, W.
Vigors, N. A.
Wakley, T.
Walker, R.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Sir M.
Wood, B.

TELLERS.

Hume, J.
Warburton, H.

Writ ordered to be issued.

PRIVILEGE—J. J STOCKDALE AND H. B. HOWARD.] Mr. *Thomas Duncombe* rose to move for the discharge of John Joseph Stockdale and Thomas Burton Howard from the custody of the gaoler of Newgate, to whom they had been committed for a breach of the privileges of the House of Commons. As the House had been so very lenient towards the parties whose names had been brought before the House this evening, he hoped it would be equally lenient to the two individuals who must have been sufficiently punished for the offence they had committed. He wished to state, in asking the House to discharge Mr. Stockdale and Mr. Howard, that he did not do it at all for the sake of the individuals themselves, but because he entertained the opinion that the law had been violated in their persons, and that they had been treated unjustly. But he did not wish to enter into any topics which might create a debate, and having heard the opinions of several hon. Members around him upon this question, he had every reason to believe, that no opposition would be made to his motion. If any should be offered, he was ready to state the reasons which he thought ought to induce the House to discharge these individuals. The hon. Gentleman concluded by submitting his motion to the House.

Mr. *Warburton* did not object to the release of these persons, but he consented to their release for a very different reason from that assigned by his hon. Friend. His hon. Friend thought that their punishment was unjust. He was of opinion that their punishment was very just. But as Parliament had now placed it out of the power of these individuals, or of any other individuals, to commit a similar offence, by the passing of an Act of Parliament to authorize the publication of Parliamentary Papers he considered the punishment of these persons was no longer necessary. The object of all punishment was to deter men from the commission of offences; if, then, the law deprived parties of the power to commit a certain offence, punishment was not necessary. It was upon that principle alone, and not because he considered these parties had been sufficiently or unjustly punished that he assented to the motion.

Mr. *Hume* said, that for the reasons assigned by his hon. Friend the Member for Bridport, and seeing that the Government were not opposed to the proposition, he was of opinion that the House ought not any longer to retain these persons in custody. He considered this to be a night of general gaol delivery; and therefore he was willing to include Stockdale and Howard with the culprits of Ludlow and Cambridge in one general act of grace; and he hoped that none of the parties would be guilty of repeating their offences.

Mr. *Pryme* was never more surprised than at hearing the sentiments which had been expressed by the hon. Members for Bridport and Kilkenny. It had been the invariable custom and practice of the House when any person had committed a contempt of its privileges, and had come under its displeasure, not to release that individual except on petition acknowledging his offence. Now, if ever there was a case of gross contempt, it was that which these individuals had committed in having persevered in doing that which the House had distinctly voted to be an offence, and of repeating that offence while under confinement. Why was the House to deviate, in this instance, from that which had been the uniform practice—namely, of requiring the parties to petition for their discharge? If the parties did not choose to petition, they were not entitled to any feeling of sympathy. They had persevered as long as they could in bringing fresh actions, which had been previously voted to be a contempt of the House. They had been for some time in confinement, it was true, and if they would present a petition for their discharge he should not object to it, but until they did he thought the usual practice of the House ought not to be departed from, and that they ought not to be discharged. It was said, that they could not repeat the offence. True; but he was not aware that the action against the Sergeant-at-Arms had been abandoned. But be that as it might, he considered the original offence was by no means purged by their imprisonment.

Mr. *Labouchere* wished to say, that though he should vote for the motion of the hon. Member for Finsbury, he yet agreed with the observations of his hon. Friends the Members for Bridport and Kilkenny. He did not think that either Mr. Stockdale or Mr. Howard had any peculiar claim upon the indulgence of the House; still he was of opinion that it would be much better to have all the matters connected with the privilege question finally disposed of. The House having now obtained the means of enforcing this portion of their privileges, he thought it would have the appearance of a vindictive proceeding to persevere any longer in the contest with these parties. At the same time he thought it would have been wrong if the House had liberated them until that measure to which he alluded was passed. But now he thought it would become the House not to look too closely or narrowly into what might have been the quality of the offence of these individuals. Besides, he believed the public feeling would be best satisfied by the House permitting these individuals to be released.

Mr. *Baines* wished that the clemency which had been so generally extended to night were still further extended, and allowed to embrace the case of John Thorogood.

Motion agreed to.

* * *

HOUSE OF LORDS,

Friday, May 15, 1840.

MINUTES.] Petitions presented. By Lord Rayleigh, from Walworth, in favour of Church Extension.—By the Earl of Rosebery, from Selkirk, praying for Remuneration to the Post-masters on account of Increased Duties.—By the Earl of Winchilsea, the Earl of Redesdale, and the Earl of Stradbroke, from Suffolk, Northampton, and various places, against the Repeal of the Corn-laws.—By the Earl of Winchilsea, from Northampton, against any Grant to Maynooth College.

MR. O'CONNELL'S SEDITIOUS LANGUAGE.] The Marquess of *Westmeath* presented a a petition from certain inhabitants of Bath, complaining that measures were not taken to punish sedition in Ireland as it was punished in this country. The petitioners stated, that on the 10th day of April last, a society was formed in Dublin for the avowed purpose of repealing the union between the two countries, in which association seditious and inflammatory language was used by Mr. D. O'Connell and other persons, of which no notice had been taken. The petitioners were of opinion that it was alike contrary to justice and humanity to prosecute and punish poor labourers for sedition, while Mr. D. O'Connell and his friends were allowed, without molestation, to use the most inflammatory language. They could not conceive why sedition should be connived at, if not encouraged, by the government in Ireland, while it was prosecuted and punished in England. They, therefore, prayed their Lordships to address her Majesty that she would be graciously pleased to command the Attorney-general to issue proceedings against all such offenders, of whatsoever rank and degree, and to vindicate the laws of the land. This petition was signed by 112 most respectable persons. Though he entered fully into their feelings, he was rather surprised at the simplicity of the parties in supposing for a moment that the Government would direct the prosecution of those who were guilty of sedition in Ireland, when the law officers of the Crown were appointed at the instance of the persons whose conduct was complained of. He could assure the noble Viscount, that if he had at any time during these latter years conciliated the support of the country gentlemen in Ireland, instead of depending on the eleemosynary support on which he now depended, he would be considerably more at his ease as Prime Minister than he now was, and would be more secure in the situation to which he so anxiously adhered, than he could hope to be by any guarantee he might receive from the objectionable quarter to which he had alluded.

Petition laid on the table.

POOR LAWS (IRELAND).] The Earl of *Glengall* complained that the papers relative to the proceedings of the Poor-law Commissioners in Ireland, which had been laid on the table, were not satisfactory. He wished that the correspondence relative to the appointment of surgeon Phelan should be produced.

The Marquess of *Normanby* did not believe that there was any correspondence on the subject, but he would make inquiry.

The Duke of *Wellington* said, that looking to the extensive powers which the board possessed, it was right that all correspondence connected with the appointment of officers should be produced, for the purpose of enabling their Lordships to trace such appointments to their origin. If, however, there was no correspondence, a return of names and offices should at least be made.

The Marquess of *Normanby* said, he would make inquiry with respect to any correspondence that might have occurred, but he feared that the return would be *nil*.

Lord *Ellenborough* said, that yesterday a collection of papers had been laid on the table relative to the valuation of property in reference to the Irish poor-law. In the 33rd paragraph of the instructions to those who were to estimate the annual value of premises, it was set forth "that it is desirable that the amount should not include fractions of a pound, unless where the value of the premises is very low." Now this direction of the commissioners was contrary to the law. The law required that the valuation should be absolutely and strictly correct; and those who made the valuation were not warranted in departing from the law in consideration of the greater convenience of giving the value in pounds rather than the fractions of pounds. Therefore he hoped that the noble Marquis would immediately cause that 33rd clause to be withdrawn, and thus prevent the value of premises really below 10*l.* from being improperly raised to 10*l.* The tendency of the instruction was to encourage false statements as to the value of property, of which noble Lords had so frequently complained.

Subject at an end.

Municipal Corporations (Ireland).] Counsel having been further heard against the Municipal Corporations (Ireland) Bill, and having withdrawn,

Viscount *Melbourne* wished to ask whether there were any objection to the House then going into Committee upon the bill?

The Duke of *Wellington* said, he had the strongest objection. He could not consent to go into Committee without a discussion in a full House, nor till he saw what was meant to be done upon the subject of another measure, which might be considered as part of this bill, and which was not yet before their Lordships. He told the noble Viscount that he could not consent to go into Committee until this other measure was before the House, and it was really known what the intention of her Majesty's Government was upon the subject.

Viscount *Melbourne* said, then he should propose next Friday for going into Committee, by which time the other bill would be before the House.

The Earl of *Glengall* thought it most important that the bill now before the other House of Parliament for the abolition of the grand jury cess in several great towns of Ireland should come before their Lordships before they went into Committee upon the present bill.

The Marquess of *Westmeath* could not suffer the House to adjourn without expressing his gratification that the bill was not to be hastily proceeded with, for he felt confident that the continuance or the dissolution of the connexion of Great Britain and Ireland depended upon their Lordships' considering and discussing the provisions of this important measure in a cool, calm, and deliberate manner.

Viscount *Melbourne* would on Friday next move that the House go into Committee upon the bill.

Adjourned.

HOUSE OF COMMONS,

Friday, May 15, 1840.

Minutes.] Petitions presented. By Colonel Conolly, from Down, against the Flour Importation (Ireland) Bill.—By Mr. French, from Roscommon, in favour of, and by Sir R. Bateson, from Roscommon, against, the Irish Registration Bill.—By Sir Robert Inglis, from Birmingham, in favour of Church Extension; and from the Dean and Chapter of Chichester, against the Ecclesiastical Duties and Revenues Bill.

Irish Clergy.] Mr. *Shaw* rose, in pursuance of the notice he had given, to put a question to the noble Lord, the Secretary for Ireland, relative to the million fund applicable to the arrears of tithe due to the Irish clergy. That sum had been granted in 1833 by what was commonly called the million act, and about 640,000*l.* was drawn by the titheowners under the provisions of that act. Of the residue of the million, 100,000*l.* was advanced in 1836 to the Board of Works in Ireland, under the 6th and 7th William 4th, c. 108, and in 1838, upon the passing of the 1st and 2nd Victoria (the rent-charge act), the balance of 260,000*l.* was directed to be applied to the payment of the arrears of tithe compositions; the first Minister of the Crown, at the same time, stating in his place in Parliament, that from a calculation he had made, the titheowners would receive 70 per cent. of their arrears. The noble Lord (Lord Morpeth) was aware, that so far from 70, they were not likely to receive 30 per cent., and that they had been long waiting for the last miserable dividend of 2*s.* in the pound to make up even that 30 per cent. Under these circumstances, he (Mr. Shaw) requested the noble Lord to state explicitly whether the clergy of Ireland might entertain the reasonable hope, that the 100,000*l.* thus subtracted from the 1,000,000*l.* granted for their use would be, by any means the Government might think fit to adopt, restored to its original purpose? And it would be the more reasonable and just, as he (Mr. Shaw) understood that a similar sum which had been lent to the Ecclesiastical Commissioners, and which was, in some sort, the consideration of the advance of the 100,000*l.* to the Board of Works, was in the course of repayment.

Viscount *Morpeth* said, the right hon. and learned Gentleman had stated most correctly the various enactments which had been passed by the Legislature in relation to the relief of the Irish clergy, and he had also correctly stated, that under those statutes the sum of 640,000*l.* had been paid to them for arrears due in the years 1832, 1833, and 1834. That was, indeed, the whole amount which had then been demanded, and it was not in the power of the Government now to issue any more money for the relief of the Irish clergy. In the year 1836, the sum of 100,000*l.* raised by the issue of Exchequer bills, and which had been previously lent to the Ecclesiastical Commissioners to meet the arrears of vestry cess, consequent upon the passing of the Church Temporalities Bill, had been applied to the promotion of public works in Ireland, and by the Tithe Commutation Act of 1838, the sum of 260,000*l.* had been applied to the relief of the clergy for arrears due in the years 1835, 1836, and 1837. The 34th clause of that statute distinctly limited the sum to 260,000*l.* and consequently it was not in the power of the Government to apply a single farthing further to the relief of the Irish clergy, and it certainly was not the intention of her Majesty's Government to call upon Parliament to make any further grant in aid of the Irish clergy. With respect to the other part of the question put by the right hon. and learned Gentleman, he (Lord Morpeth) had to reply, that he did not believe any part of the sum of 100,000*l.* lent to the Ecclesiastical Commissioners had yet been repaid, though frequent calls for it had been made by the Treasury; he believed, however, that an arrangement had been effected, by which the whole of that sum would be effectually secured to the public.

House in Committee of Ways and Means.

THE BUDGET.] The *Chancellor of the Exchequer* said, that in laying before the Committee the financial statement which it was his duty to make, he proposed to follow that course which not only had been usually adopted on such occasions, but which the nature of the subject, independent of custom, naturally dictated. He proposed first to state to the Committee the amount of income and expenditure of the past year, then to lay before it his estimate of the income and expenditure for the current year, and to detail the expectations which he entertained as to the prospect of the revenue as it now stood, and having compared the estimate of expenditure with the estimate of income, it would then be his duty to explain to the Committee those measures which her Majesty's Government were prepared to recommend to the adoption of Parliament. He was well aware that he might have to appeal to the indulgence of the Committee, as the subject would necessarily require the reading of figures in order to render a subject naturally intricate as clear as possible. He had, with a view of saving the time and trouble of the Committee, caused to be laid on the table, and printed in such figures as he should have to refer to in respect of the income and expenditure of past years, and if the Committee would refer to the printed paper distributed that morning, they would see in detail the amount of income and expenditure. It would, therefore, be unnecessary for him to go into a detail of the income derived from the Customs, the Excise, and other sources of revenue; it would be sufficient for him to state that the ordinary income for the year 1840 would be 47,685,000*l.*, to which, if there was added the receipts from the East India Company, 157,000*l.*, the total income for the year 1840 would be found to amount to 47,843,000*l.* The details of expenditure for the year 1840 appeared in the printed return, and he, therefore, need not trouble the House with the items. The charge for the funded debt was 29,439,000*l.*; the other charges upon the consolidated fund amounted to 2,410,000*l.*, making a total charge upon the consolidated fund of 31,849,000*l.* The annual grants amounted to 17,811,000*l.*, making a total of expenditure of 49,300,000*l.* The deficit therefore of income over expenditure would be, as appeared in the return, 1,457,000*l.* Such, undoubtedly, was the apparent deficit in income as compared with expenditure, but it would not be supposed—indeed, it was hardly necessary to explain—that this would not be the actual deficiency to be provided for, inasmuch as it would be remembered that a provision had been made by his noble Friend, whose duty it was last year to make the financial statement, for the deficiency he contemplated, and that he had taken a vote of 1,000,000*l.* Exchequer-bills to meet it. Therefore, that sum of 1,000,000*l.* must be deducted from the deficiency, and that would reduce the balance to 457,000*l.* Then there appeared among the miscellaneous charges an item which was properly inserted as one of expenditure, and upon which the right hon. and learned Member for the University of Dublin (Mr. Shaw) had just now asked a question of his noble Friend, the Secretary for Ireland. It would be remembered, that in the course of last year the 260,000*l.* determined to be applied to the relief of the clergy of Ireland was issued in Exchequer-bills, and that these, together with other Exchequer-bills funded for the same service, had been provided for by an Act passed last year by his noble Friend who preceded him in the office he had now the honour to hold. Therefore, if that sum was deducted, as it must be, from the deficiency of 457,000*l.*, it left as the balance unprovided for during the year the sum of only 197,000*l.* He thought it necessary to make these observations, because the balance appeared in the return to be 1,457,000*l.* unprovided for, and that the committee would have to meet that difficulty. He did not intend to go into the particular figures of income and expenditure last year, but it was only just to the Committee, and to his noble Friend who opened the financial budget last year, that he should compare the estimates his noble Friend had given when he made that statement with the results which now appeared on the paper which was in the hands of hon. Members. That statement, made in the month of July, 1839, had been called for and printed. The income his noble Friend had then stated to be 48,128,000*l.*; the expenditure, includingt he 1,000,000*l.* for Canada, to be 48,988,000*l.*, and the deficiency at that time calculated upon was 860,000*l.* There had been, however, afterwards, in the course of the Session, a subsequent statement made by his noble Friend, when he took a supplemental vote for the army of 75,000*l.*, which raised the whole deficiency estimated by his noble Friend to 935,000*l.* The actual amount, however, of deficiency was not 935,000*l.*, but 1,447,000*l.*; but, deducting from that the sum of 260,000*l.*, to which he had already alluded, and which could not be properly charged upon the year, the deficiency was reduced to 1,197,000*l.*, and, as it must be borne in mind, that his noble Friend had made no calculation as to the deficiency which would arise from the reduction of postage, the actual deficiency was 947,000*l.*; so that the only difference between his noble Friend's calculation and the actual result was the trifling sum of 12,000*l.* Having now glanced at the income and expenditure of last year, and at the calculations of his noble Friend and the actual results of the year, he would proceed to deal with the more immediate subject for present consideration—the expectations he held as to the income and expenditure for the current year. He would first state those sums of expenditure for which provision had already been made. The interest on the debt charged upon the consolidated fund would amount to 29,443,000*l.*, the other charges on the consolidated fund amounted to 2,434,000*l.*, making a total charge on the consolidated fund of 31,877,000*l.* The vote for the army, which had already received the sanction of the House, was 6,000,000*l.*; for the navy, 5,659,000*l.*; and for the Ordnance, 1,885,000*l.*; for the miscellaneous estimates, some part of which, including the common services, had been voted, amounted to 2,736,000*l.* The grants for the year remaining amounted as they appeared before the House to 17,055,000*l.* The total amount of those already voted was 48,767,000*l.* There were, however, some items of expenditure which it would be necessary for him to state to the Committee and to make allowance for in the calculations which he was about to submit. The Committee would remember, that at an early period of the Session, when his hon. Friend, the Secretary to the Admiralty, moved the navy estimates, a question was put as to a discrepancy between the number of men voted and the amount proposed for their pay. His noble Friend, the Secretary for the Colonies, stated there was such a discrepancy, and that it was possible a further sum might be required to make the force efficient. For that purpose, his hon. Friend, the Secretary to the Admiralty, would have to submit a further estimate for the navy, which would amount to 100,000*l.* There was another item of expenditure for which he was sure the Committee were prepared. Hon. Members were aware that a naval and military commission had been appointed. That commission had made its report, and it was the intention of her Majesty's Government to advise her Majesty to adopt the suggestions which it contained, and it was because of that intention that an additional sum was called for. He had placed the amount in one sum, and would take it at 75,000*l.* He also had to propose the vote relative to Canada; but, having brought forward the estimates this year at an earlier period than usual, he found some difficulty in making a safe statement upon that vote. He was, however, desirous of naming a sum which he thought would fairly meet the case—making the estimate neither too large on the one hand, nor too low on the other. He would, therefore, propose to take for Canada, the sum of 350,000*l.* The amount last year was 1,000,000*l.*, and the year before it was 500,000*l.* The right hon. Gentleman, the Member for the University of Cambridge, had put a question to him on a former occasion with regard to the expenses of the China expedition. The House was aware of the arrangement which had been made by her Majesty's Government and the government of India. The extra expenditure required for the expedition would be charged on her Majesty's Government. The sum would be advanced by the Government in India, and repayment would take place of what, in the examination of the accounts, should be shown to be the extra expenditure occasioned by the expedition. Upon former occasions specific votes were not taken, and in the case of Java and the Mauritius, when that course was pursued, the sums were repaid without any specific vote being taken for them; but for the satisfaction of the House, and in a constitutional point of view, it was better that the subject should come in the shape of an estimate to show that it had been under the consideration of the House. To make an estimate was not, however, so easy a matter, because it was impossible to make a calculation as to how long the expedition might continue. He had the means of laying on the table of the House, as far as he could ascertain from India, the rate of expenditure at which the expedition would be charged to this country, but he had not estimated, nor was it possible to do so, the period for which the expedition would be required. They were all aware of the great expenses attending any Indian expedition. He would state the present expense as taken from the financial auditors of the East India Company, when calculating the extraordinary expenses incurred in India. The amount of expenditure according to that calculation up to the 1st of May, 1840, was 54,000*l.*, and it was considered by the auditors, that if the expenditure were to be continued for six months, it would amount to 162,000*l.* more, making in the whole 216,000*l.* Taking then the extraordinary expenditure on account of the expedition to China at the same amount, the question was, upon what length of time the calculation should be made. There were other considerations also which should be taken into account, for it must be admitted, that there would be found in the items some sums, such as the amount for transports, &c., which it would not be necessary to continue for the whole period, and which would, perhaps, reduce the sum to 150,000*l.* That would, perhaps, cover the whole, and leave a balance of about 100,000*l.* Having said thus much upon that point, he would now restate, as it might be convenient to the Committee, the estimate of the expenditure for the coming year:—The charge of interest on the funded debt, 31,877,000*l.*; for the army, navy, and miscellaneous estimates, 16,880,000*l.*; making in all, 48,757,000*l.* The additional expenses were, for the navy, 100,000*l.*; for the army, 75,000*l.*; for China, 150,000*l.*; making in the whole, 49,432,000*l.* He would now come to the expectations entertained of the revenue at present at the disposal of the House; he meant that which they might expect to receive if there was no alteration of the present taxation. Here, however, he must confess he laboured under a difficulty which had never before pressed upon any person who held the situation which he had the honour to fill. The right hon. Gentleman, the Member for Harwich might smile, but still he admitted the difficulty. What the value of the vote which placed him in that difficulty might be—what good the country had derived from it—he had yet to be acquainted with. As regarded the inconvenience to himself he did not complain, but he did complain of the injury done to the public service by placing him in so inconvenient a position. He was called upon at a moment, when it was not possible to obtain the necessary information relative to the prospects of the revenue and finance of the coming year to discuss—not in his own room, not in his own office, not with the heads of the various departments of the revenue, but before that House—estimates which he had not sanctioned, and could not sanction. He trusted the House would bear with him patiently whilst he performed the duty of laying before them the estimates for which he held himself responsible, and he would not shrink from that duty on account of the return which had been improperly and immaturely obtained. It was well known that those at the head of the revenue departments felt a satisfaction if they found that they had understated the estimates delivered in for the current year. The estimates given in from the four departments generally calculated the risk, but not the expectations, and the consequence was, that they were scarcely ever justified by the results. It was an old Treasury saying as regarded the corn and malt duties, that they were to be looked on as balancing each other; that in a bad corn year the revenue in corn increased, and in a good corn year more duty was derived from malt. The Excise, however, did not take the counterbalancing influence into consideration, and finding a certain amount had been received in the last year in corn, they calculated on receiving a less account from that source next year; but, at the same time, they took no account of the increase which might take place in the malt duties, and thus between two stools he lost in the estimates the balance of the income which fluctuated between the duties on corn and malt. He did not blame those who made the returns, for he knew the difficulty of the task. One quarter of the year, however, for which the returns were made, had already elapsed. The right hon. Gentleman (Mr. Herries) had called for the returns from the 5th of January, 1840, to the 5th of January, 1841. He (the Chancellor of the Exchequer) had thus the means of testing the impression—not, indeed, the impression, but the conviction which he had entertained, that the results would be more favourable than the heads of the departments expected. He had before him the returns of the last quarter, ending on the 5th of April, 1840, as compared with the returns for the corresponding period of the preceding year. In the quarter ending April, 1839, the customs, excise, stamps, and taxes, amounted to 8,069,000*l.*; in the corresponding quarter for 1840, they were 8,339,000*l.*, being an increase in those sources, not as was calculated, of 400,000*l.* per year, but of 270,000*l.* in the quarter. In the estimate which went by the name of the right hon. Gentleman opposite (Mr. Herries) there was a calculated loss of 1,470,000*l.* in the year; but in the first quarter, instead of such a comparative deficiency, and including the loss from the Post-office, there was only a deficit of 263*l.* This showed how impossible it was at the time to make an exact calculation: but there were other reasons which led him to take a more favourable view of our resources than could be deduced from the paper laid upon the table at the instance of the right hon. Gentleman. He would now place before the House the deficiencies which existed in the revenue, and then proceed to call its attention to the means which in his opinion, were necessary to give that revenue stability, and place the finances of the country on a firm footing. In doing this, he felt it to be his duty not to take an over-sanguine view of our resources; but still, when about to increase the public burthens, he would not be induced by any estimates or any set of figures to impose upon the country a greater burthen than that which he considered was absolutely called for. If the present were a case in which he proposed to take off an impost, he might act with less caution, feeling that if the reduction did not take place in this year, it would in the next. But as he was about to deal the other way, and to levy additional burthens, he felt bound not to consider what would be the probable revenue, but what was the estimate which a practical man ought fairly to go upon. On these grounds, he would take the estimate of the revenue for the future year of the four principal sources of revenue, customs, excise, stamps, and taxes, at the same amount as it was in the last year. Looking at the condition of the country, and having communicated with the various departments, he did not see any grounds which would justify him in supposing that there was a likelihood of the income for the next year being in any way less than that of the preceding one. As respected the Post-office, he would take the estimate given in by the official authorities. There had been some opportunity afforded of witnessing the working of the system, and he took a more sanguine view of the measure than that taken by the right hon. Gentleman opposite, who told the House that it was not paying its way. He would not, therefore, alter the estimate which had been made by the authorities. His expectation had always been that at the first commencement there would be a temporary increase of the correspondence, but that when the honeymoon was over there would be a relapse into the common practical habits of every-day life, which would be succeeded by a firm, steady, and continued increase. He did not, however, consider that it would arrive at the amount which some over-sanguine admirers of the change calculated on. As far as it had hitherto gone, the result of the experiment had not been unfavourable, and he anticipated that an increase would take place before the close of the year. He thought the sum of 530,000*l.* was a fair estimate to lay before the House, as he already perceived symptoms of the turn which he expected matters would take. He, therefore, thought, taking the customs, excise, stamps, and taxes, he might put the amount the same as it was last year. He would take the Crown lands at 170,000*l.*, the miscellaneous sources of income at 250,000*l.*, and the Post-office at 530,000*l.*, and thus the whole would form a sum of 47,034,000*l.* as the estimated income. He felt himself here bound not to conceal from the House, that a deduction might arise from circumstances with which hon. Members were already acquainted. The House was aware that at the time when Earl Grey was at the head of the Government negotiations were on foot for entering into a commercial treaty with France, and that his right hon. Friend, the late President of the Board of Trade had proceeded to Paris with a view of endeavouring to carry the negociations into effect, but they did not succeed at that time. Other negotiations were at present going on, which were likely to be attended with more favourable results; and the House could not expect that this country could obtain new markets for the products of its industry without granting to foreign countries a corresponding advantage. It was not then his duty, on the contrary, he felt that he ought to avoid going into the details of the negociations which were at present pending; but in making his calculations as to the income of the future year, he must make the House sensible that a commercial treaty with France, if carried into effect, might produce a temporary reduction of the revenue. It was impossible to state accurately what that reduction might be; but he would state it at something like 300,000*l.* He also proposed a very small relief to a class of persons who, from no fault of their own, but from circumstances by which every other class of persons was benefited, were placed in a situation of considerable difficulty and distress—he meant the postmasters. They had represented to him that they were obliged to keep post-chaises and carriages, on which they paid a heavy tax, but from which they derived little remuneration, and suggested, that if they were at liberty to keep different classes of carriages at a reduced rate of duty, they might, by opening fresh lines of trade, receive some compensation for the injuries they had sustained. The tax now upon hack chaises was 4*l.* 5*s.*, upon pair-horse carriages 5*l.* 5*s.*, upon four-wheeled carriages 4*l.* 10*s.* and upon two-wheeled carriages 3*l.* 5*s.*, all of which he proposed to reduce to 3*l.* These deductions reduced the income on which the House might rely in the course of the present year to 46,700,000*l.*; the expenditure he had already stated at 49,432,000*l.*, which made a deficiency of 2,732,000*l.* between the estimated expenditure and the estimated income. Her Majesty's Government were not prepared to recommend to Parliament to meet this deficiency by any new system of loans. So far as the expenditure could be deemed of a merely casual and temporary nature, a loan might be a question for consideration. He admitted, that the expenditure in the case of China and Canada might be considered of a temporary nature, and as such be met by a temporary relief. But then, after deducting 500,000*l.* on that account, there was still a deficit in the income, as compared with the expenditure, of 2,230,000*l.* However disagreeable and unpopular fresh duties might be, he confessed he was not prepared to advise Parliament to attempt to make any provision for this deficiency—a deficiency which they might expect to an equal degree in future years—by any temporary expedient, which was, in fact, only staving off, and perhaps adding to, the difficulty. He must, therefore, proceed to recommend those measures which her Majesty's Government had decided upon recommending with the view of making the income of the country equal to the expenditure. In doing so, he begged it to be understood, that the expenditure for Canada and China he was inclined to regard as one of a temporary character, and that if, by the proposal he had to make, he could place the expenditure on a fair footing, regarding other items of expense, he should be willing to deal with those two cases as of a temporary nature, being satisfied that if affairs continued as they had every reason to expect they would, that expense would not be called for in future years. In dealing with the measures by means of which he proposed to meet these deficiencies, he should feel it his duty in the first place, not to place any new tax upon the public—not to place the hand of the tax-gatherer, on any new object of taxation. He perfectly agreed, that in the time of war, when the House had driven all the ordinary taxes to that point at which many of them were during the last war—at which, if they were increased, their produce would rather diminish than enlarge, they might have recurrence to some new object; but that was avoided, and could not now be supposed to be the case. From this circumstance, there were many advantages derived. Formerly new taxes were proposed—new expenses of collection were consequent upon the new arrangement, and fresh officers were necessarily appointed. By the plan which he proposed, however, all those additional charges which before weighed so heavily upon the public purse, and formed so large an item in the public expenditure, would be removed, and every farthing which was collected, would be conveyed net, into the public pocket. His object, therefore, had been as far as possible, to spread the burthen of taxation—to render it as lightly, and, at the same time, as generally felt as possible, and while he endeavoured to secure these objects, to avoid laying any charges upon new subjects of taxation. In looking back to the practice of older times, he found, that the House had not been unwilling to deal with taxation upon the principle of per centage: he meant by increasing the duties already existing by a given per centage, and upon consideration, he felt that it was best to propose that the House, so far as it was practicable, should adopt that principle, although there were some cases to which it was impossible to extend it. With regard to the stamp duties, it would be almost impossible to procure the payment of a per centage upon them, from the extreme inconvenience of making peculiar small duties liable to the increase. Stamps, therefore, he proposed, should not be included in the operation of the new regulation. With that exception, however, he was prepared to take a per centage upon the excise duties, the customs duties, unless in some few instances, and upon the assessed taxes, five per cent. being taken upon the excise and customs duties, and two shillings in the pound, or ten per cent. upon the assessed taxes, and, lest there should be any misunderstanding upon the subject, he begged to acquaint the House, that he meant that this per centage should be taken, not upon the value of the commodity or article taxed, but upon the amount of duty now levied. He would now go through the different items of revenue, and would state the exceptions which he proposed to make to the principle which he had suggested. The first to which he would allude was that with regard to the duties on spirits—it was impossible to take a per centage duty upon that article. There was one amount of duty payable in Ireland, another in Scotland, a third in England, a fourth duty was payable on rum, a fifth on East India spirit, and a sixth upon other foreign spirits. From a long experience in these matters, therefore, he was prepared to say, that to increase by a per centage, the different duties now levied on these various articles would place the whole trade in such a state of confusion, that it was impossible that that principle could be carried into effect without the greatest inconvenience being produced. The effect of a per centage increase would be to increase the differential duties between Irish, Scotch, and English spirits, and the protection of those spirits against those of colonial production, and it would be increasing the duties between East India and West India spirits, and the protection of all these against those of foreign product. He thought, therefore, that he might appeal to the experience of the right hon. Gentleman opposite (Mr. Goulburn) who knew so well the difficulty of dealing with these questions, as to the propriety of his suggestions, while, at the same time, he added, that if he were only half as successful as that right hon. Gentleman had been, when he had been placed in a similar situation, he should consider himself extremely fortunate. He proposed, therefore, that one uniform rate of increased duty should be imposed upon all spirits, and that an additional tax of 4*d.* per gallon, upon all English Scotch, Irish, Colonial, and foreign spirits, should be imposed. There was, however, yet another exception to the principle of the per centage duties, which he thought it right to explain. He meant the duties on corn. He was not going into anything like a corn debate, because he did not think that this was an opportunity upon which he should do so, but he trusted that hon. Gentlemen would recollect that, whether rightly or wrongly, the present amount of duty on corn was not settled for the sake of revenue,—it was placed on the principle of securing a fixed price, as far as possible, of corn in this country. It did not, therefore, rest on revenue principles, but on greater and political grounds. Whether this was wise or not, he would not say; but as the Legislature had not been pleased to consider corn under the ordinary view, he was not prepared to touch the principle upon which that article was now taxed, but should leave it entirely out of the new arrangement which he proposed to make. There was one other point to which he should allude, under the head of Excise. The House would recollect that, originally, all the duties on railways, stage carriages, and post-horses, were stamp duties; but, for the sake of convenience, they had been transferred to the Excise department. He did not, therefore, mean to include them in this proposal respecting the Excise, as the result of doing so would be to lay an additional duty upon a class of competitors, which would throw them into the greatest alarm and distress. With these exceptions, he should propose that every other taxable item should be subject to the increased duty The amount of the increase of the tax upon spirits he had already said would be fourpence per gallon, and the increase upon the assessed taxes, he calculated would yield him an amount of 276,000*l.* But there was another point which he thought it was necessary should be included in the resolution of the House, and which he conceived he was bound to explain to the House, as it was to form a part of the arrangement which he proposed. It had been the custom of the department of taxes from time to time to issue general directions for surveys, with regard to the house and window taxes, and this survey had been lately delayed longer than usual. He was always reluctant to increase the amount of the assessed taxes, unless it appeared to be absolutely necessary, but he had every reason to expect, that if a fresh survey were made, it would raise a considerable and ultimate revenue from the taxes on windows, and that, not from the levy of any new or oppressive duty, but because persons had not been brought to account for taxes which they had been long liable to pay, but from which they had escaped. He was aware that this was not a very popular measure, but it was so perfectly equitable and just, that he felt that he should not be justified in introducing any proposition for any new or additional taxation, without bringing those who were liable to duties already existing, to account. It was not fair that the Government should call for new imposts from various individuals, when those who, by laxity or inattention, having escaped the payment of that which was due from them, had not been called upon, and it was to be observed, that they were not to be compelled by his proposition to pay up the arrears which had fallen due, for this was no vindictive measure; but it was simply asked of them, "You have escaped paying your taxes hitherto, have the goodness to pay them hereafter." He would now state to the House the various amounts of duty which he expected would be derived from the increased taxes, in the event of their being sanctioned by the House. The amount of 5 per cent. on the customs and excise, making those omissions and exceptions which he had stated to the House, he calculated would yield in the year, though not in the present year which had already commenced, the sum of 1,426,000*l.* The impost of 4*d.* per gallon on spirits would produce 484,000*l.*; the assessed taxes, increased by 10 per cent., would yield 276,000*l.* As to the increase of duty levied upon the new survey, when he stated to the House the amount of what he expected to derive from it, he thought that it would show to what extent persons had escaped from paying that which was justly due from them. He estimated the increase at 150,000*l.* He had already stated to the House that the amount of the income of the country which had been calculated upon, without any such addition at all as he proposed, was 46,700,000*l.*; adding these several items which he had stated, it would bring the result to 49,037,000*l.* The amount of the expenditure, including the estimates for China and Canada, was 49,432,000*l.*, and comparing this with the income which he proposed to raise, a deficiency of 400,000*l.* in round numbers was left. In regard to the vote for China and Canada, he had already stated that he was not prepared to make any permanent addition to the burdens of the country to provide for it, and he proposed to meet the deficiency, therefore, by a vote of credit. It must be remembered that in presenting these calculations to the House, he had given them as if supposing all the taxes which he had proposed to be in operation, and the results, which he had offered, were those of the whole year; but, as gentlemen conversant with regulations and proceedings of the revenue department well knew, that would not be a fair calculation. A certain period of the year had already elapsed, and from the mode in which certain assessed and excise taxes were collected, though the charge was made as for the year, a considerable portion of the amount was not paid until after a certain time, and they could not therefore expect to receive the whole amount during the present year. He did not think that it would be expected that he should consider that which was only a casual deficiency, arising not from calculations, but from the circumstances only of the money not being paid into the Exchequer, as a fair subject on which he could call for an additional revenue, and it would not be fair that he should propose any additional taxation, with a view of meeting a deficiency which arose not from any general annual demand, but from the fact only of the payment of that which was due being postponed. But that would make a considerable alteration in the actual amount of the vote of credit for which he would be compelled to call, including the Canada and China votes, and that part of the deficiency of the taxes which would not be paid into the Exchequer in the present year, it would increase the vote of credit to 850,000*l.* The actual sums which he estimated would be paid into the Exchequer, under the different heads which he had stated, would be these:—in the Customs, 22,500,000*l.*; in the Excise, 14,241,000*l.*; for Stamps, 7,020,000*l.*; for taxes, 3,880,000*l.*; for the Post-office, 530,000*l.*; for the Crown-lands, 170,000*l.*; and for other miscellaneous items, 250,000*l.*; making a total of 48,591,000*l.* He had now explained to the House that statement which it was his duty to make as to the financial position of the country, and he had endeavoured, as far as lay in his power, neither to overstate the probable expenditure, nor to understate that which he believed the House might calculate upon in the way of income. If they looked to the present state of the country, and this the House was entitled to do, dealing with the increase of taxes which he had proposed, they had a right to consider, whether the amount which was suggested to be imposed on the people, would in course of a short time place the finances of this kingdom on a firm and sound basis. Looking at the state of the revenue, and the condition of the country, they might fairly estimate that the progress which the revenue had made for many years, would still continue, and that in the course of future years, the amount of the produce of the different items of revenue would not at any rate fall off. They had gone through a year of considerable difficulty and financial embarrassment, and, although, the revenue had not exhibited any very great defalcation in consequence, it would be unwise not to calculate upon the chances which might result from a repetition of similar events, preventing those happy effects which might be produced by the employment of the industry, power, and enterprise of this great empire. With these views, he had endeavoured not to impose upon the country too heavy burdens, or to propose to cast upon it too severe an amount of taxation, to meet what might be considered as casual deficiencies only; on the other hand, not concealing from the House, that in order to place the finances of the country in a firm position, they must increase the amount of their income; and he had endeavoured to call for those sums only, which he had felt would ultimately turn out to be sufficient for the important purpose required to be attained. He was well aware that the name of new taxes was not popular in that House, or in the country, but at the same time he had sufficient confidence in the good sense of the House, not to feel at once convinced that they would be satisfied, on consideration, that it would be the wiser proceeding to meet this difficulty at once, and not to attempt to stave it off by any further temporary expedients; and, however unpopular the present proposal might be, if on any future occasion, it might fall to his lot to perform that duty which he had now nearly discharged, he thought that he should then have no reason to regret that he had taken those steps to meet the difficulty which existed, by prompt and immediate measures. He should not detain the House any longer, exhausted as he was sure their attention must be, and as he was, except for the purpose of saying—and he thought it was of some importance he should say it—that it was highly necessary that the resolutions which he was about to propose should be carried as soon as possible. He should conclude by moving certain resolutions, carrying out the propositions which he had made, and it was of very great importance that they should be at once determined on, in order to put an end to any doubts or hesitations which might exist, and in order that the trade of the country should not remain in any uncertainty as to the course to be pursued. It would be competent for the House to reject any portion of his resolutions to which they might object, when they should become the subject of a bill, but he thought that if they left the resolutions unpassed, a wide door would be opened to speculations of all kinds, and some persons would be benefitted by those doubts, of which others, at the same time, could not take advantage. He should propose three resolutions; the first, with regard to customs; the second, with regard to excise; and the third, with regard to the assessed taxes. The right hon. Gentleman concluded by moving the first resolution, which was to the following effect:—

"That towards raising a supply for the use of her Majesty, from and after the 15th day of May, 1840, an additional duty, after the rate of 5 per cent., be laid upon the produce and amount of all duties or customs, of what kind soever, now due and payable to the Commissioners of Customs and Excise, except, in the Excise, of those duties the produce of spirits or strong waters of all kinds whatsoever; and, in the Customs, of the duties levied on corn, grain, meal, or flour. And that from and after the said 15th day of May, 1840, an additional duty of 4*d.* per gallon be laid upon all kinds of spirits or strong waters, whether in docks, warehouses, or otherwise."

Mr. *Hume* then rose and said, that he felt his duty to bear his testimony to the clear and able mannner in which the right hon. Gentleman had laid his financial statement before the House. It had been his lot to hear many statements of this kind, and he would not compliment the right hon. Gentleman further than by saying, that he had never heard a more clear, simple, and intelligible financial statement in his life. While, however, he bore his testimony to the able manner in which the right hon. Gentleman had laid the state of the finances before the House, he could not but regret extremely, the necessity which there appeared to be of laying additional taxes upon the country, when a great pressure of taxation already existed. He much regretted that necessity, and he could not agree in the proposals which the right hon. Gentleman had made, as to the mode in which the money was be levied. The House would see that the necessity for this increased taxation arose from the people themselves, who had not sent representatives into that House who would give their attention to the expenditure of the country. Night after night, when the estimates were under consideration, the benches were empty, and whatever vote of the public money might be under discussion, never was there more than one-fifth of the Members present. As far as the revenue was concerned, so far from their being a falling of, the House would find, that in 1836 the amount of revenue was 46,270,000*l.*, while in 1840 it had increased to 47,685,000*l.* In the intermediate years, the income of the country had been, in 1837, 48,340,000*l.*; in 1838, 45,873,000*l.*; and in 1839, 47,607,000*l.* Upon the average of those five years, therefore, there had been a considerable increase in the income of the country; and to what, then, he would ask, were they to ascribe the deficit which existed, and which rendered the imposition of new burthens necessary? The cause was to be found in the extravagant expenditure, which the Members of that House did not watch over, as they were in duty bound to do. In the two first years of the period of five years to which he had alluded—viz., in the years 1836 and 1837, there had been in the first year a surplus of 1,376,000*l.*, and in the last of 1,862,000*l.*, while in the last three years there had been a deficit to a considerable amount. While the income of the country had increased upon an average of the five years calculated from 1836, the deficit in the finances of the country had also increased, and to what was this extraordinary state of things to be ascribed? The deficiency arose entirely from the extravagant annual votes for the army, navy, and ordnance, and from the votes for the miscellaneous estimates. Those votes had caused an increase in the expenditure in the last two years of 2,100,000*l.* Hon. Gentlemen opposite complained year after year of the insufficiency of the naval and military establishments, and unfortunately the Ministers yielded to the complaints of their opponents, and thus created that increase in the expenditure which rendered this additional taxation necessary. The excitement in Canada greatly increased the expenditure of the country, but was Canada, worth all the money they had expended and were about to expend upon it? When the troubles in that country first broke out, he had warned them what the result would be. Oppression always led to lamentable results, and he could not but regret that so large a sum had been so uselessly expended. The noble Lord the Secretary for the Colonies would recollect, that when he proposed the resolutions to take away the constitutional rights of the Canadian people, he (Mr. Hume) had told the House that they would soon have cause to repent the course they were pursuing. The day of repentance was come, and they now had an expenditure for the army and navy of 2,500,000*l.* more than was necessary. However that might be, he should not longer detain the House upon the subject, but he would proceed to consider the proposals which the right hon. Gentleman had brought forward for making up the deficiencies which existed in the revenue. He did not complain of the deficiency in the Post-office, for he was sure that a gradual improvement would take place in the income from that department, which in the end would be perfectly satisfactory.

[*Interruption.*] This was another instance of the slight attention which Members were willing to give when financial subjects were under consideration. The people, however, were themselves to blame in neglecting to send proper representatives to that House. When he was interrupted he was stating, that in his opinion the improvement which would take place in the income from the Post-office would in the end be satisfactory. Although it appeared that there was a deficiency in the Post-office of 800,000*l.*, yet he did believe, with the right hon. Gentleman the Chancellor of the Exchequer, that the progressive improvement which would take place when they were able to carry out fully the views of those who had proposed this improvement, would fully compensate for that deficiency. Why, he would ask, had not those views been fully carried out before this time? It had been proposed in the original plan to reduce the Post-office establishment by 600 or 700 officers, whereas an increase of officers had taken place to nearly that amount. He now came to the point where he differed from the right hon. Gentleman the Chancellor of the Exchequer. The right hon. Gentleman said, that he was not disposed to lay on any new taxes, and he therefore proposed the spreading over the mass of the present taxes the additional taxes which he considered necessary. His objection was, that the taxes were already unequal, and that they did not press on the rich, but on the poor, and the daily labourers. The right hon. Gentleman had not considered the capacity of those who had to pay the taxes, and without consideration he had added fresh burthens to the middle and poorer classes. He thought that it would have been worthy of the right hon. Gentleman's consideration, whether a tax might not have been laid on property acquired by descent. He wondered that the right hon. Gentleman did not look at former periods, and particular to that occasion when a property-tax was recommended by Mr. Pitt. The Duke of Sutherland succeeded to landed property to the amount of 200,000*l.* a-year, which passed from father to son without one shilling expense, while the merchant or manufacturer who left property to the amount of 150*l.* to his children or to strangers, was obliged to pay for it at the rate of from 1 to 10 per cent. The constituencies of England should not suffer a single individual to enter that House without pledging himself to vote for the equalization of taxes. They were told that the land was the support of the country, yet the land did not pay one farthing of taxes by descent, while the annual amount of taxation from this source upon the poor was 200,000*l.* Let them see how much real property had paid for the last quarter of a century. A man possessing real property to the amount of 40*s.* per annum was a freeman, and possessed a vote, while a man possessing that or a much larger amount of mere personal property was still a slave. He had known an instance in Scotland where a widow, whose property including stockings and petticoats, was estimated at 100*l.*, and the duty was levied strictly on that amount, though she had scarcely a morsel to put into the mouths of her three or four children. Was this even-handed justice? During the last forty-one years, from returns which he held in his hands, it appeared that there had been 57,916,000*l.* paid in the shape of duty on probate and legacies alone. From any part of this payment the entire landed property of the country was exempt; and they held besides, a monopoly of the most harrassing nature, directly adverse to the people. Would not this tax upon the succession of landed property answer the Chancellor of the Exchequer's purpose? It would come to within a few hundred pounds of the amount of the deficit. Could any man in that House appeal to his own conscience and feelings, and say that the present was not an unjust distribution of the national burdens? It was the working man, the middle and industrious classes, that paid all these taxes. The majority of that class was now deprived of the suffrage, and should address their rulers thus:—"It is we that are to pay this amount. We will not pay it, unless you give us the suffrage." He appealed to the Chancellor of the Exchequer to call on the rich, on those who had all the landed property in the country within their grasp, to contribute their share to the sustainment of these excessive burdens. Let every man having 10,000*l.* a year of hereditary property pay 1 per cent. upon its coming into his possession, as in the case of personal property. Let them look back to France in 1788 and 1789 for an example of the effects of taxation. The poorer classes in that country paid the bulk of the taxes; the rich were exempt; and what was the consequence? The people rose against them. The aristocracy were deaf to all the appeals which had been previously made to them; neither nobility nor government paid the slightest attention to any of the remonstrances of the people. But the time arrived when their oppression would no longer be borne; the multitude rose against them in a mass, and the consequences were known to the world. The landed proprietors of England were following fast in the course which had been pursued by the old aristocracy of France; everything was laid by them on the shoulders of the people. Let them look to the result. The people had been taught to look to the present Government for relief from taxation, instead of the imposition of fresh burdens. He thought that the ecclesiastical corporations ought to be made to contribute their share. This would have been a truly vigorous measure, upon which they might have appealed to the country. He would conclude by moving, by way of amendment, that "it is expedient that equal taxes be levied on the descent of personal and real property."

The *Chairman* said that, before putting this resolution, he begged to submit to the committee whether it was possible in a committee of ways and means to put an amendment which involved an entirely new subject of taxation.

Mr. *Hume* said, if the Chairman were right, the resolution would point out some particular way in which the supply was to be raised; whereas the terms of the resolution are general. In what committee could his resolution be moved, if not in the present. The Chancellor of the Exchequer proposed one mode of raising money, and he proposed another: and he maintained that he was perfectly in order in proposing his amendment.

Mr. *Ewart* contended that his hon. Friend the Member for Kilkenny was perfectly in order. The object of going into a committee of ways and means was to consider of the best way of meeting the exigiencies of the state; and therefore it was competent for his hon. Friend to make his proposition at present.

Lord *J. Russell* declared it to be his opinion that Mr. Bernal had laid down the right rule. This resolution could not be proposed by the hon. Member for Kilkenny in a committee of ways and means. The House was then in a committee to consider the ways and means of raising supplies for Her Majesty, His right hon. Friend the Chancellor of the Exchequer had proposed one mode, which came under the proper designation of ways and means. It might be a question whether another Member, without previous notice, could propose a way of raising money in a new mode, or even a new tax. But the hon. Member for Kilkenny did not make either of these propositions. His proposition was for a general equalization of duties on the descent of real and of personal property. That was a general abstract proposition, and *non constat* that by assenting to it we should raise any supplies at all. If the hon. Member were determined to move a resolution of that kind, he must move it in a committee of the whole House. He was of opinion that the objection taken by Mr. Bernal to this amendment was in perfect conformity with the rules of the House.

Mr. *Hume* stated, that to obviate the objection made to his amendment in point of form, he would alter the words of it. He would propose that from and after the 15th of May a tax be imposed on the descent of real property, varying in amount from 1 to 10 per cent. according to the scale now levied on the descent of personal property. He considered it a great grievance to be compelled to propose a tax, but he saw a disposition in the committee to support the taxes proposed by the Chancellor of the Exchequer, and he therefore felt compelled to propose another and more equal tax as a substitute for them.

Mr. *Langdale* thought that the amendment of the hon. Member for Kilkenny did not go far enough. It should also affect the transfer of money in the funds. He never could understand why there should not be a stamp on every transfer of funded property. He should vote for the amendment now proposed; but he would add as an amendment upon it, "That the same stamps should be required for the transfer of personal property vested in the funds as are now required for the conveyance of property in land."

Mr. *Hume* reminded the committee that we had been going on borrowing for the last fifty years, and that a clause had been inserted in every Act sanctioning a loan, pledging the public faith to the public creditor, that no stamp should ever be imposed on transfers in the funds. The hon. Member was not, perhaps, aware that if he had money in the funds, and bequeathed 10,000*l.* of it to a friend, that friend would have to pay 1,000*l.* in legacy duties, and that if he bequeathed it to his own children, they would also have to pay a considerable amount, although not so large an amount in the same way. Now, in a devise of land no legacy duty, whatever attached.

Mr. *Briscoe* reminded the committee, that Lord Spencer, when he was Chancellor of the Exchequer, had made a proposition similar to that of the hon. Member for Knaresborough; but that he had abandoned it on subsequently referring to the Loan Acts, where the stipulation was found to be so clear as not to admit of a shadow of doubt.

Mr. *Langdale* said, that if such an objection were made to his amendment, he must, of course, abandon it; but nevertheless, he should still remain convinced of its justice.

Sir *R. Price* contended that the amendment proposed by the hon. Member for Kilkenny, was peculiarly unfair to the landed interest, which was exposed to more heavy public burdens than any other interest in the community. He considered that the Chancellor of the Exchequer's plan of raising money was far more beneficial than that proposed by the hon. Member for Kilkenny.

Mr. *Ewart* considered that justice required that they should support the amendment of his hon. Friend, the Member for Kilkenny. The favour shown to the landed interest, which arose from its having a monopoly of power in one House and a predominance of power in the other House of Parliament, was at the root of most of the evils which at that moment were pressing upon the country. He hoped that the landed interest would consent to salutary reforms in time, as it was evident that this country was rapidly changing its character from a great agricultural to a great commercial community. A division on the proposition would afford a test to ascertain who were the real friends of the people in that House. To the clearness and ability of the statement made by the Chancellor of the Exchequer he bore willing testimony, but he could not say much for the soundness of the principles on which the right hon. Gentleman proceeded. It was not reasonable to add to to the taxes of the country till measures were taken to extend its trade, and the surest and most effectual way to do that, would be to reform the present iniquitous and oppressive corn laws. An alteration of those laws would not only lead to an extension of our manufactures, but might even be made subsidiary to revenue, by the imposition of a moderate fixed duty. At all events, if not from corn, yet from a reduction and equalization of the timber duties, Government might derive a great accession to the revenue, while the commerce of the country would be largely benefitted. A reduction of the duties on foreign sugar and coffee, especially when grown by free labour, would also be very advantageous to our commerce. The adoption of sound principles of free trade would increase the revenue, extend commerce, and confer the greatest benefit on the consumers throughout the country. On some future evening he might bring this subject formally before the House. At present he would content himself with supporting the motion of the hon. Member for Kilkenny, which he trusted would be responded to by the people, as he was sure it would be, if they looked to their own enduring advantage.

Mr. *Turner* protested against throwing on the shoulders of the people, in the present depressed state of commerce, a large additional amount of taxation.

Colonel *Sibthorp* attributed the deficiency of the revenue to the misapplication of the funds by Government, as there was no deficiency in the Customs and Excise. He found that the expense of commissions amounted to no less than 119,000*l.* a-year, while in the miscellaneous charges and annual grants there was an increase of nearly 300,000*l.* The House had not yet received any account of the expenses of Dr. Bowring's journey, and other unsatisfactory missions. He looked upon the promises of retrenchment and relief to the people as a regular Ministerial humbug; for now, after twenty-five years of peace, they were called upon to impose a large increase of taxation. He objected to the increase of ten per cent. on the assessed taxes, which did not apply to Ireland, and which he looked upon as a mere bait to the people of that country. The Chancellor of the Exchequer ought to lay a tax upon champagne, and to retrench the salaries of her Majesty's Ministers. The right hon. Gentleman had held out to the House great hopes and expectations of the advantages to result from his measures, but he (Colonel Sibthorpe) had been too long in the House ever to expect them to be realized. They were held out only to amuse the people; but he would tell the right hon. Gentleman that he was too old a soldier to be caught with such chaff.

Mr. *Goulburn* said, whatever wisdom

there might be in the multitude of counsellors, he thought the result of that evening's discussion fully showed that no great clearness or perspicuity was to be expected from a multitude of Chancellors of the Exchequer. No less than four hon. Gentlemen had favoured the House with their observations in that capacity. The hon. Member for Wigan proposed to make up an acknowledged deficiency of revenue, as compared with expenditure, by a further reduction of particular branches of taxation. The hon. Member for Knaresborough (Mr Langdale) proposed to meet the exigencies of the public service by taxation imposed on the funds, in violation of the principles laid down when the money was borrowed, and in violation of every Act of Parliament passed in reference to the subject. The hon. Member for Kilkenny had moved a resolution which was wholly at variance with the forms and orders of the House, and subsequently altered it to one which left the House utterly uninformed as to the material points which ought to guide their judgment on a question of this nature. And, lastly, there was her Majesty's Chancellor of the Exchequer, who, proceeding in the ordinary course of his official duty, communicated to the House the real state of the finances, and the anticipated produce of the taxes he meant to impose. He might be permitted to express his entire concurrence in the sentiment expressed by the hon. Member for Kilkenny, that no statements on the subject of finance could have been more clear or lucid, or satisfactory, as regarded the conveying to the House the most distinct view of the present state of our finances, and the means by which he proposed to meet the difficulties that presented themselves than the statement of the right hon Gentleman. With respect to the conflicting propositions to which he had alluded, as having been made by other hon. Gentlemen, it was not his intention to enter into the discussion of them, for this reason, that when he was called on to discuss in that House the propriety of imposing a tax, he must get from the person who proposed it a clear idea of the nature of his proposition, and of the amount which it might be expected to produce. The hon. Member for Kilkenny had not given the House the slightest information on that important point; he judged from the hon. Member's speech that he could not tell whether his proposed tax would produce 10,000*l.* or 100,000*l.* The hon. Member's anticipations, however, all those who were in the habit of looking into such subjects must see were utterly at variance with facts. Had the hon. Member been Chancellor of the Exchequer, and had the means of consulting the detailed accounts of the stamp duties, he would never have proposed to the House the extension of the legacy duty to landed property as the means of realizing the deficiency at present existing in the revenue. The hon. Gentleman seemed to proceed on the principle that landed property was exempted from various species of taxation, and therefore stood on a different footing from personal property. He would not now enter at length into the subject; the hon. Member was quite wrong in his facts, and if he were successful in getting this duty imposed on landed property, the produce would be utterly inadequate to any such purpose. With respect to what was the legitimate object of the present discussion — namely, the proposition of the Chancellor of the Exchequer — he might be permitted to offer a very few observations. He quite agreed in the sentiment with which the right hon. Gentleman concluded his speech—that it was expedient to meet a deficiency of this nature, and not to stave it off; but he must express his regret that the Government, of which the right hon. Gentleman was so distinguished a Member, should not have been animated with this feeling at a somewhat earlier period, and that they should have induced Parliament to postpone the consideration of the finances, and the means by which a defalcation was to be met, till the fourth year after the deficiency had arrived, when it had risen to an amount sufficient to alarm those who felt the importance of supplying it. If the right hon. Gentleman's predecessor, when the deficiency commenced, had been firm in meeting the proposals made to repeal the taxes which were then taken off, he believed the right hon. Gentleman would now have found less difficulty in meeting the emergency which had arisen, and would not have had the disagreeable task of adding to the burthens of the people. The hon. Member for Kilkenny had complained of the expense into which the expedition to Canada had involved us. He would only, on that subject, express a conviction, that if we had been involved in great additional expense with regard to Canada, and had been obliged to make exertions to maintain the honour and character of the country, and in defence of those who were attached to it, that expense had been in a great degree occasioned by the hon. Member himself, by encouraging at the very outset that rebellious spirit which afterwards broke out. As he had said before, the hon. Member with economy in his mouth, had on this, as on other occasions been the real cause of the great increase of expense. The right hon. Gentleman had thought it necessary to make some apology to the House for producing an estimate of the revenue different from that which he had produced at the commencement of the Session, at the requisition of his right hon. Friend, which, he said, and this met with cheers, imposed a great difficulty at that period upon the Chancellor of the Exchequer; and the right hon. Gentleman particularly enforced on the House that the estimate now produced must necessarily be one of superior accuracy and correctness, compared with the other, as being made at a period when great precision was attainable, and on that ground he justified the difference between the two estimates. Now, the right hon. Gentleman would give him leave to say, and perhaps the hon. Members who had cheered him would listen to the observation, that he could not perceive the force of the right hon. Gentleman's argument, and after the best consideration he could give to it in his power, it appeared to him that if an estimate in February of the state of the revenue from the 1st of January 1840, to the 1st of January last year, must be an inaccurate one, from the impossibility of giving a statement with the accuracy which a paper of that kind required, the same argument applied to the estimate of the revenue from the 5th of April, 1840, to the 5th of April, 1841; and he was therefore, bound to consider the present estimate as necessarily defective. For, what were the circumstances of the case? The Chancellor of the Exchequer was requested on the 13th of February to give an estimate for the year ending the 5th of January, thirty-nine days after the year had expired. The right hon. Gentleman took time till the 29th of March before the paper was presented to the House; he had therefore an opportunity of consulting all the departments, and of introducing all the corrections which it was necessary for a Chancellor of the Exchequer to introduce. Nevertheless, the estimate was laid on the table of the House in a form which he now perceived to be incorrect. What was the case now? Forty-one days had expired since the quarter of which an estimate was given, and yet the Chancellor of the Exchequer expressed his belief, that these two days made all the difference between the accuracy and inaccuracy of the estimate. It seemed to him, that this afforded a ground for suspecting some inaccuracy in the estimate of the revenue up to the 5th of April; and assuredly it showed, that there was a very poor excuse, a very limited ground, on which to found an attack upon his right hon. Friend. He did not intend to go into the details of the right hon. Gentleman's estimate as to the receipt and expenditure, but the committee would allow him to observe, that as to one of the items of probable expenditure, he was confirmed in his opinion, that the right hon. Gentleman would find his expectations disappointed. The right hon. Gentleman had acquiesced in a suggestion he (Mr. Goulburn) had taken the liberty to make some time since, that the expense of the expedition to China should be brought annually before the House, like every other item of expenditure, and that we should not be left in the time of peace to defray part of the expence of the military force in England during the war, and part of the amount to be defrayed by the East India Company, for which we were afterwards to make them compensation. He was not aware, that the House had before it any account of the force to be employed in the expedition to China, so that it was difficult to form an estimate of the expense of the expedition; but if they could credit the statements in the newspapers, and if the expense of the expedition to be sent against China was to be measured by the expense of the expeditions sent in former times to Java and the Mauritius, he apprehended that the right hon. Gentleman's estimate of 150,000*l.* for the expenditure of the present year on that head would be found at the end of the year extremely deficient. He could only judge from his knowledge of the great expense attending the transport of men and stores to the eastern seas, and the large expense of demurrage of ships detained there. He should say that the tonnage and demurrage of the ships themselves would be more than the sum estimated by the right hon. Gentleman. He should be most happy to find at the end of the year, that he had formed an incorrect estimate on the subject; but he was sure, that if the right hon. Gentleman conducted the expedition upon the scale stated in the newspapers, a much larger expenditure than 150,000*l.* must be incurred this year for our expedition to the eastern hemisphere. But allowing the right hon. Gentleman to be correct in this branch of the estimates, he was anxious to look at the result, which was this:—We were to have an expenditure of 49,432,000*l.* and an income of 49,441,000*l.* after we had raised by a vote of credit 850,000*l.* and at the end of the year we should find, that without any additional exertion, it would be necessary to add to our debt. This was not a state of things which offered a subject of congratulation, and if it should turn out that any branch of expenditure had been understated, or that the additional taxes imposed should not be so productive as the right hon. Gentleman had calculated, he feared that at the close of the year we should not be in a situation upon which we should have reason to congratulate ourselves. He forbore to enter into a detailed discussion of the objects to which the proposed taxation was to apply. In imposing taxes, it was essential that the Government should have the full authority of the House of Commons, in order that advantage might not be taken of opposition; but the right hon. Gentleman must not hold him (Mr. Goulburn) precluded from making, at any future time, such observations as further consideration would suggest to him on the subject. He had some doubts with regard to several of the general views of the right hon. Gentleman. The right hon. Gentleman proposed generally on the Customs and Excise an additional five per cent., and calculated that this would produce one twentieth of the existing revenue. Now, he entertained considerable doubt whether an additional five per cent. would produce that amount of additional revenue, and whether it would not occasion a diminution of consumption that would disappoint the right hon. Gentleman's calculation. In the article of tobacco, every Gentleman who looked at the circumstances of the tobacco trade recently must know, as he did, having had his attention recently called to the existence of fraud in that trade, that the quantity of tobacco said to be exported exceed the quantity imported into the country. He should apprehend that five per cent., on the tobacco duty might extend the practice of adulteration more than smuggling, and thereby defeat the very object for which the five per cent. was added. He doubted also whether the right hon. Gentleman had made any allowance for the effect of the war with China on one great branch of the revenue, namely tea. The price of this article, it appeared, had lately experienced a considerable rise, and if our relations with China should not be restored, the price of tea would still further increase, and an additional five per cent. might operate to reduce consumption, which instead of increasing the revenue would leave it at a lower amount. Another tax respecting which he entertained great doubt was the duty on spirits. The increased duty on spirits generally was 4*d.* per gallon, which differed materially on different spirits. On brandy it was two per cent., on rum four per cent., on British spirits about five per cent., on Scotch spirits ten per cent., and on Irish spirits fifteen per cent., and he very much doubted whether the duty on Scotch and Irish spirits might not produce the very effects which happened when he (Mr. Goulburn) in 1830 imposed an additional duty on spirits without materially increasing the revenue; and in 1835, after Lord Althorp had taken off the additional duty, Lord Monteagle congratulated the House that the revenue, at the reduced duty, amounted to as much as before the reduction. With regard to the assessed taxes, although the new tax was but ten per cent., yet coupled with a new survey with reference to the windows, it would in some cases amount to 15 or 16 per cent. when equally distributed, and none would feel this addition more than the humbler class of society, who had gradually re-opened windows for which they would now be liable to pay. He agreed with the right hon. Gentleman, that if persons had defrauded the revenue by the addition of windows, they ought to be called upon to pay; but this was not the first time these questions had been agitated, and the right hon. Gentleman would find that they involved great difficulties, and that a new survey would be liable to all the objections of a new tax. He could not but express his satisfaction that the moment had arrived when the House was disposed to look fairly at the state of our finances, and to equalize our expenditure and our revenue. This was not the first time he had expressed an opinion of the necessity of this course. It was a duty we owed to ourselves and to the country not to incur a debt without an effort at least to discharge that debt, and not to cast it off our own shoulders upon the shoulders of our successors, who might be in pecuniary difficulties from which we were exempt. This opinion had been strongly confirmed by communications which he had had, at different times, with persons belonging to other countries. He found such persons uniformly entertained an opinion, and it was a just opinion, that so long as the finances of this country were in a sound state, any exertions could be made by it; but that if they broke down, the glory of England was set, and the hope of maintaining our influence abroad and promoting the happiness of the people at home must be abandoned. He knew that there was, amongst some of the most respectable men on the continent, an opinion that the state of our finances was such, that our expenditure so far exceeded our revenue, that England might be insulted with impunity and incapable of exerting herself. He entertained a different opinion. He believed, that if our resources were properly administered, they were sufficient not only for our ordinary expenditure, but for those extraordinary occasions for which every country must be prepared; and the statement of the Chancellor of the Exchequer that night, of the necessity of upholding the revenues of the country, and enabling us to meet the expenditure, so far met with his entire approbation.

Mr. *Labouchere* entirely agreed with the right hon. Gentleman, that it was the duty of those who studied the interest and honour of the country to look at its financial condition, and, though considerable difference of opinion might exist as to the measures which would be expedient in order to reduce the charge on the finances of the country, at the same time there was no Gentleman in the House who would assert that it was not the bounden duty of the House to look at the state of our finances, in order to place them in a situation in which the finances of this country ought to be placed. He thought that the disposition which had been expressed by Gentlemen differing not only in their political but in their financial views afforded a just ground of satisfaction to all those who felt interested in the welfare and prosperity of the country. He should not feel it his duty to enter to-night into the details of the subjects which had been discussed, as another opportunity would present itself for that purpose. At the same time he could not help thinking that the hon. Member for Kilkenny had, with singular infelicity, taken occasion to say, that the statements and proposals of his right hon. Friend the Chancellor of the Exchequer evinced an undue desire to lay the burden of taxation on the humbler and industrious classes, and to spare the richer part of the community. Now, any one who would consider the large additional amount which his right hon. Friend proposed to lay on the assessed taxes, and especially on the window tax, would find it impossible to deny that a large proportion of the additional burdens would be borne by the opulent classes. He was also unable to agree with the statement made by the hon. Member for Wigan, that the plan proposed by his right hon. Friend bore with undue severity on the commercial interests of this country. He was not prepared at present to enter into a discussion on the propriety of the House revising the duties on sugar, coffee, and other articles, with the view not only of reducing the price of those articles to the consumer, but of increasing the revenue. He did not mean to deny that this was a question which the House might properly take into consideration, but at the same time the difficulties which surrounded the subject were so great, that it would be impossible to make any alteration without grave deliberation. However, the hon. Member had admitted that this question would be more properly dealt with in a separate discussion, and therefore he would not attempt to follow him on the present occasion. The right hon. Gentleman who had just sat down had remarked upon the explanation given by his right hon. Friend the Chancellor of the Exchequer, as to the discrepancy between the present estimates and the estimates laid before the House upon the motion of the right hon. Member for Harwich. Now, he (Mr. Labouchere) recollected that in the course of the discussion which subsequently took place, his right hon. Friend the Member for Pembroke, while enumerating the defeats of the Government, and stating that no Government with any proper feeling of pride could retain office after suffering such mortifications, took especial care to remind the House of the defeat which the Government had sustained upon that occasion, and stated that a House of Commons which had placed the Chancellor of the Exchequer in such an unexampled position of difficulty could not have any confidence in the Government of which he was a Member. That might be very true; but it was not fair that they should take advantage of both sides of the argument. It was not fair that this should be done at all, particularly in discussions on a class of subjects which ought to be drawn away from the field of party debates—namely, discussions on our finances. He must, however, express his satisfaction at the tone of the speech of the right hon. Member for Cambridge; for, although he had expressed doubts upon the plan of his right hon. Friend, yet he thought that the impression on the right hon. Gentleman's mind seemed to be, upon the whole, that it would be difficult to find a more expedient course for meeting the difficulties of our financial position. The right hon. Gentleman certainly stated his opinion that some of the articles on which it was intended to impose an additional duty of five per cent. would not bear the increased duty, and consequently that the object in view, that of raising a larger revenue from these articles, would be defeated. He heard, however, with some surprise, the right hon. Gentleman mention tobacco as being one of those articles. Now, when we considered that the present duty on tobacco amounted to 1,200 per cent., it was impossible to conceive that the addition of so trifling a sum as 5 per cent. could make any difference to the consumer. He was quite ready to allow that it was very difficult to collect these enormous duties, but at the same time he certainly should not have selected an article like tobacco for the purpose of suggesting that a difference in the consumption would be made by so slight an addition as 5 per cent. He would also remind the House, that it was not unimportant to consider what had been the course in regard to the customs' duties during the last few years. If they looked back, they would find that a very great reduction had been made in the customs' and excise duties during the last nine years. He found that since the year 1830 the gross amount of the duties on customs repealed or diminished was 2,163,000*l*. There had been additional duties imposed on customs to the amount of 656,000*l*.; leaving a net reduction of 1,507,000*l*. The amount of excise duties repealed since that period was 4,656,000*l*., and of new duties imposed 181,000*l*., so that the net amount of the excise duties repealed was 4,475,000*l*. He found also that the gross amount of the stamp duties repealed since 1830 was 598,000*l*., while the fresh duties imposed came to 31,000*l*., the net reduction being 566,000*l*. The gross amount of taxes repealed since the same period was 174,000*l*., and of fresh taxes imposed 1,070*l*.; the net difference on all these branches of revenue being 6,284,000*l*., which had been taken off the burdens of the country since 1830; to which must be added 1,000,000*l*. at the least for postage. He thought, therefore, that it was but fair, when the Government was charged with having wasted the resources of the country, that it should be borne in mind that within the last ten years there had been brought about not only a great reduction of taxation, but that the reduction had particularly been made in the excise and customs' duties. There was another fact to which he wished to call the attention of the House. He had already shown how large an amount of the customs' duties had been repealed; but it was satisfactory to know that the revenue had not suffered from this reduction. On the contrary, the amount derived from the customs had not only kept up, but had increased, under the operation of the principle applied by the Government. He would now read to the House a statement, showing the sums received from the customs during the same space of time. In the year 1830, the gross amount was 17,540,000*l*.; in 1831 it was 16,516,000*l*.; in 1832 the amount was 16,794,000*l*.; in the year 1833 it was 16,208,000*l*.; in 1834 the amount was 18,402,000*l*.; in 1835 it was 20,366,000*l*.; in 1836 it was 21,488,000*l*.; in 1837 it was 20,539,149*l*.; in 1838 is was 20,846,000*l*.; and in 1839, when the amount was the largest, it was 21,583,000*l*. It might, however, be supposed that the receipts of the Customs were swelled by the transfer of Excise duties to that head, but he would show the gross amount of the net receipts of both customs and excise, both branches of revenue being combined. In 1830 the gross amount was 36,184,000*l.*; in 1831 it was 32,819,000*l.*; in 1832 it was 33,294,000*l.*: in 1833 it was 32,752,000*l.*; in 1834 the amount was 33,406,000*l.*; in 1835 the gross receipts were 33,615,000*l.*; in 1836 they were 36,042,000*l.*; in 1837, the amount was 33,958,000*l.*; in 1838 it was 34,478,000*l.*; and in 1839 it was 35,093,000*l.* The House therefore would observe, that although there had been this very great diminution in the duties on customs and excise, yet the joint produce of these two branches of the revenue was now almost equal to what it had been in 1830, He really did not know that he ought to trouble the House any longer, as there would be other opportunities for addressing the House upon the subject.

Mr. *Warburton* had expressed on a former occasion his hope that the right hon. Gentleman, the Chancellor of the Exchequer, would manfully face the difficulties of our financial position, but instead of doing that, he had produced a budget founded on the principle of courting as little opposition as possible, so that it might pass easily through the House. For his own part he could not approve of the plan of the right hon. Gentleman, when he recollected that the addition to the assessed taxes would not affect Ireland at all, and he did not think that this was a proper principle of taxation. He wished also to advert to the indiscriminate addition of five per cent. to articles of customs and excise. It had been said that tobacco was taxed at the rate of 1,200 per cent., and therefore there was no reason why five per cent. more should not be added. If that were any argument at all, it might be carried much further. He agreed, however, with the hon. Member for Wigan in thinking, that, in this great department of the revenue, the taxes imposed upon coffee, tea, tobacco, and other articles, should be revised, and that a trial should be made whether an alteration in the amount of the duty would not produce a larger revenue. The Chancellor of the Exchequer had said, that the duty laid on foreign corn was not imposed for the sake of revenue, but for the purpose of giving protection to the home grower, and that therefore an additional duty of 5 per cent. had not been proposed to be laid upon that article. But corn was not the only article on which a duty was levied for the purpose of giving protection. He would instance the differential duties on timber. Now, the duty on Baltic timber was at 55*s.* the load, while on colonial timber it was at 10*s.* An addition of 5 per cent. would make a difference of 2*s.* 9*d.* on Baltic timber, and of 6*d.* only on Canadian timber—a principle which was in direct opposition to the recommendations of committees of the House who had sat to inquire into the subject.

Sir *R. Peel* thought it very evident that the hon. Gentleman, the Member for Bridport, had not a very exalted notion of the patriotism of a reformed House of Commons, for he said that the right hon. Gentleman had proposed his budget rather with the object of its meeting the views of the House of Commons than of promoting the welfare of the country. This, then, was the end of all the hon. Gentleman's efforts for the reformation of the House of Commons. So little, in his opinion, did the House represent the feelings of the country, that he charged the Chancellor of the Exchequer with the offence of making his budget palatable to the House of Commons, thereby implying that there was a great difference of opinion between the House and the country. He (Sir R. Peel), however, thought that the great question involved in the discussion of to-night was this—should they resort to the miserable expedient of incurring a fresh debt to make good the present deficiency or should they make some effort to equalize the income and the expenditure of the country? Now, without entering into details, he must say that he was in favour of the principle of the right Gentleman's plan. He thought that nothing could be more disparaging, after the proof which they had obtained that the deficiency in the revenue was not merely temporary, than to try to shift from ourselves the burthens which properly belonged to us, after twenty-five years of general peace, and refuse to make some effort at least to equalize our income and expenditure. If, therefore, a vote of credit had been proposed for the purpose of meeting the present deficiency, whether such a step had been unpopular or not, he should certainly have opposed the motion, and he thought that the right hon. Gentleman had done right in proposing additional taxation. With respect to the mode of raising the taxes, he confessed he thought, upon the whole, that a slight increase of taxation, without imposing any perfectly novel tax, was the wisest plan that could have been adopted. If a perfectly novel tax had been imposed, a much greater disturbance might have been caused to the capital of the country which was embarked in practical commercial pursuits than could be occasioned by a slight addition to existing taxation. In the second place, he thought the advantage of the present proposal was this, that the necessity for an increase of the Customs and Excise establishments would be much less than if they had recourse to new taxes. If the tax on salt or on leather were revived, for instance, then he apprehended it would be necessary to increase the revenue establishments to a much greater extent than when a mere addition to the existing taxation was imposed. There being about 2,500,000*l.* to be raised, to attempt to raise that small sum by a property-tax, or a tax on general consumption would not be advisable; and therefore, upon the whole, he gave the preference to the principle of the plan of the right hon. Gentleman. At the same time it was impossible to look at the condition of this country with respect to its income and expenditure without great mortification at the thought that, after so long a continuance of peace, we should be in the condition in which we were. On looking at the expenditure of the last five years, he saw a very rapid progressive increase in it. The total amount of the actual expenditure of the country, apart from the payment of the interest upon the pubdebt for the different branches of the executive service of the country, was—

In 1836	14,000,000*l.*
1837	14,400,000*l.*
1838	15,392,000*l.*
1839	16,452,000*l.*
1840	17,100,000*l.*

That certainly was very unsatisfactory, so far as the expenditure was concerned. Then, if he compared the expenditure with the revenue, he found no compensation in the way of consolatory reflection, because he found that in 1836 there was a surplus revenue of 1,376,000*l.*; in 1837 the surplus was 1,862,000*l.*; then there appeared to have been a great turn in the state of affairs, for the surplus became converted into a deficiency, the revenue in 1838 being deficient, as compared with the expenditure, to the amount of 1,428,000*l.* In 1839 the deficiency was 430,000*l.*; in 1840, it was 1,457,000*l.*; so that the expenditure for the last five years had been increasing, and the deficiency between the receipts and the expenditure had been increasing also; for though there was a surplus in the first two years, the last three years were marked by a deficiency amounting altogether to a sum beyond the total surplus. Then, coming to the current year, he found it certainly not very consolatory, because it might be considered that the permanent deficiency estimated upon the rate for the present year was about 2,236,000*l.* The actual deficiency upon the present year was about 2,800,000*l.* But the right hon. Gentleman, the Chancellor of the Exchequer did not consider that as a correct test of the actual deficiency, because there had been an increase on account of the insurrection in Canada and the war with China, and they were temporary and occasional charges, for which the right hon. Gentleman would deduct 500,000*l.*, and then put down the deficiency of the present year at 2,236,000*l.* He confessed he did not see what ground there was for supposing that there would be no recurrence of those occasional expenses even for Canada and China in another year. He supposed the charge for Naples for the present year would be very small. But in the present state of the world he feared that they must every year calculate upon some such occasional charges as those for Canada and China. However, allowing them to be merely temporary, and not likely to recur, and comparing the present estimated expenditure with the revenue, there was an absolute deficiency of 2,300,000*l.* That being the case, seeing that it was not a deficiency for the present seeing that the expenditure of the country had been progressively and rapidly increasing, he could not resist the conclusion that the time was at length come when they must resort to some more creditable means of increasing the revenue than by incurring a new debt in time of peace, without leaving our posterity, who might not have to boast of a long peace as we had now had, but possibly might be called to engage in such struggles as those in which we had to exert ourselves twenty-four or twenty-five years ago, and upon whom it would be unjust to devolve not only the burdens necessary for their actual salvation, but the burdens which by our improvidence we had refused to share. And yet that would be the result of the miserable expedients of raising loans upon Exchequer-bills and votes of credit; that would be the consequence of refusing additional taxation to meet the difficulty. He had said enough to show that he was favourable, not only to the principle of the right hon. Gentleman's plan, namely, increased taxation to meet existing difficulties, but also to the general principle of the imposts proposed. But he did not think the right hon. Gentleman the President of the Board of Trade had said so much in favour of the plan. First of all, said he, because there is a heavy duty of 1,200 per cent. on tobacco, you may add five per cent. to it. That was certainly a novel proposition, He had heard persons say in former times. "This article is lightly taxed at present, and, therefore, you may add to the tax;" but it was quite a new argument to say, that because an article was heavily taxed, therefore you might augment it. But did the right hon. Gentlemen consider the full effect of his proposition? If he looked at the prime cost of the article, he would find, that though five per cent. sounded small, it was in reality a heavy increase he was proposing. Let him consider the prime cost of the article, and he would find that the addition of five per cent., upon the tax was equal to sixty per cent. upon the price. And what was the argument of the right hon. Gentleman the President of the Board of Trade? That by a reduction of the customs' duties the revenue had been increased. The right hon. Gentleman showed by figures an increased consumption in consequence of such reduction, and that speech he made upon an occasion when the proposal was to increase the duties of the customs, and when the inference would be that increased taxation would not add to the revenue. Yet, in spite of those arguments, he must say, that he was in favour of the principle of the right hon. the Chancellor of the Exchequer. But he wished an exception could have been made in favour of the raw materials of some articles, and he had rather expected that the right hon. Gentleman would have been prepared to say, that cotton was one of the articles to be exempted. Yet, if that exemption was likely to lead to the demand of exceptions in favour of other articles, and thus to the breaking down of the right hon. Gentleman's plan for increasing the revenue, he must say, that the considerations for the due maintenance of the public credit were so overpowering, that rather than run any risk of not meeting the supposed deficit, he would give up his desire for the exemption of cotton. But he must remind the right hon. Gentleman that one-half of the present deficiency arose from the reduction of the postage duty on letters. According to the right hon. Gentleman's estimate, giving him credit for 500,000*l.* for casualties, the permanent deficit was 3,300,000*l.*, and the loss upon the Post-office was at least 1,110,000*l.* The right hon. Gentleman estimated the Post-office revenue for the present year at 530,000*l.* Did that include 64,000*l.* for the Foreign-office? [The *Chancellor of the Exchequer:* No.] He thought it might be fairly estimated that nearly half the deficiency had arisen from the extensive abandonment of the post-office duty. As it had been so abandoned, he knew well the objections which would be made to any attempt to revive it. But had the right hon. Gentleman said—"I find a deficiency of 1,110,000*l.* in the Post-office, and 1,110,000*l.* at least from other causes, and upon the whole, instead of taxing raw cotton and other articles of general consumption, I think it better to propose a threepenny postage per letter," he very much doubted whether the right hon. Gentleman, although he might not at first have had the general concurrence of the country, would not have better consulted the general interests of the country. But the right hon. Gentleman, making use of an expression which he had used, did not wish to disturb the honeymoon of the Post-office. Yet the right hon. Gentleman threw out some ominous hints that the present amount of the receipts of the Post-office was not quite equal to what it was some weeks ago. Was he right? [The *Chancellor of the Exchequer:* There was a diminution in the number of letters.] Well, if that were the case it did not require the talents of a Chancellor of the Exchequer to foretell that the amount of the revenue of the Post-office must also be diminished. The right hon. Gentleman would not admit that the revenue had decreased, but that the number of letters had. He was sorry to hear it; for the moment the House had decided that the experiment should be tried he was desirous that it should be fairly tried, and be satisfactory in its results. He was, therefore, sorry to find that after a few months there should be a gradual decrease in the number of letters. But the right hon. Gentleman argued that this was only temporary, all which was quite natural after the first excitement of the novelty, and that in a short time that excitement would revive. He thought not. He saw no reason for thinking so, however much he might desire it. Constant vacillation in taxation was a great evil; and if, in the existing state of the revenue, the original remission of the taxation was unwise, it was, perhaps, wise not to interrupt and disturb the new plan by recurring to the old duty again. Still, without attempting to decry and condemn the experiment altogether, because it had not fully realized all the expectations that were held forth, he could not help thinking, that had the right hon. Gentleman had the courage to propose a three-penny duty on letters, he would have met with many supporters and advocates, even amongst those who were opposed to his present plan. With respect to the increase of ten per cent. on the assessed taxes, it was very easy to talk of increasing the assessed taxes, so as to make the rich pay; but the effect of that increase was to drive people who could command means out of the country, in a time of general peace, to reside where they would be free from such heavy taxation. The hon. Member for Bridport had complained of the exceptions made in favour of Ireland; but no doubt that principle of "justice to Ireland" would be acceptable in some quarters. The hon. Member might think the proposition unfair; but he must say, that he did not grudge this advantage to Ireland, when the question was only as to raising 2,000,000*l.* per annum. He must confess, that considering the source whence her Majesty's Government derived their support, without at all underrating the virtue of the right hon. Gentleman, he should have been surprised if that right hon. Gentleman had come down to the House and said—"I am Chancellor of the Exchequer for Ireland as well as for England. To propose such a tax, without making Ireland take her share, would be so monstrous, that I cannot think of doing it." And, although the right hon. Gentleman might have supported that proposition by very clear and ingenious arguments, yet he would have met with no small opposition, but not from that side of the House to which hostility to Ireland was so frequently and unjustly imputed. Perhaps the hon. Member for Bridport, or some of his Friends, would propose that Ireland should be taxed as well as England. Had such a proposition been made by the right hon. Gentleman, it would have been said—"Now we shall see who are the true friends of Ireland." The right hon. Gentleman had spoken of the elasticity of the commerce of England, and he had quoted the amounts of produce and consumption for some years back, the years 1839 and 1840 being the most favourable. He begged to remind the right hon. Gentleman, that this elasticity had been produced under the condemned system of the corn laws, and the question was, whether that could be a radically vicious system under which such an extraordinary elasticity of commerce had been manifested as had by its buoyancy maintained the revenue, notwithstanding the great diminution of taxation. He thought if the right hon. Gentleman had made a more decided effort to equalize the revenue with the expenditure, if he had proposed something more than an excess of 9,000*l.* per annum, he would have done better. Perhaps the right hon. Gentleman was right; but anticipating, as he (Sir R. Peel) did, that casualties like those of Canada and China would increase, had he proposed to raise the actual revenue to a full equality with the probable expenditure, so little was he inclined to take advantage of the right hon. Gentleman's proposal for increased taxation, that he would not have opposed him for the sake of catching any temporary popularity on the ground of economy. For he would remind the hon. Gentleman, and the committee, that there was economy in maintaining the public credit. Looking at the interest of the public debt, looking at the source of saving which an improved state of the public credit would be enabling them to reduce the interest from three and a half per cent. to three per cent., and thus to effect the saving of millions, he intreated the committee to bear in mind that an increased taxation would place the public credit in such a satisfactory state as to enable them to lay a foundation for real and permanent reductions, perfectly consistent with the honour and credit of this country, and that in the safest and most satisfactory manner.

Mr. *Warburton* said, that nothing could be more unjust than to utter such complaints against the new Post-office system as the House had that night heard. Even at the present moment, unfair as it would be to judge from existing circumstances, they must regard the Post-office as one of the most profitable sources of revenue which the country possessed. It was a subject upon which they were enabled to levy a tax of sixty per cent. The estimated income of the present year derivable from the Post-office was 530,000*l.* That was levied upon, or derived from, an estimated expenditure of 800,000*l.*, at least that was the expenditure before the late alteration in the Post-office. Now, he felt himself warranted upon these data in saying, that the Post-office yielded a net profit of sixty per cent. Was not that quite as much as the Ministers of the Crown had a right to expect from any one department? He could not help observing, that the present was not a mere question of revenue; it was one of much greater importance than any matter of finance, for it was one which most materially affected the comforts and the morals of the people; and that they valued it highly, and were ready to take advantage of it to the utmost possible extent must be evident to any one who took the trouble of comparing the quantity of general post letters passing through the office before the change, and the number subsequently transmitted; they were in the ration of ten to twenty-six, being an increase of 160 per cent.

Mr. *Gillon* said, he should have been well pleased had a proposition been made for imposing a property-tax, for in his judgment, nothing could be more fair than that the fundholder should pay for the protection which he enjoyed under the institutions of this country, and should be made to contribute to the support of that system, from the stability of which he derived so much advantage. He sincerely hoped that some opportunity would be given to hon. Members, of testing the declarations which they so often made with respect to their wishes for the relief of the people from the pressure of financial burthens. There was one matter which he could not help noticing with a strong feeling of regret, and that was, that no reduction had been proposed in the duty on post-horses. He thought that the whole of the duty ought to be taken off carriages let for hire. Considering the quantity of travelling which took place in this country by means of railroads and steam-vessels, he must be allowed to say, that the owners of post horses and carriages let for hire, had a claim upon the Government for relief.

Sir *G. Clerk* regretted much that the right hon. Gentleman had not taken the bolder course of at once proposing, that the revenue should be recruited by the obvious mode of increasing the taxation. To him it certainly appeared that the right hon. Gentleman had very much over-estimated the income, and very much under-estimated the expenditure; but, without now discussing that question in detail, he wished to call attention to a point that seemed to him of some importance. It appeared from the accounts laid before Parliament, that the naval expenditure of the last year amounted to 5,472,000*l.*, whereas the sum voted last year was only 5,170,000*l.*, which left a difference of 300,000*l.* Now, he wished to know how that difference had been made up. If his view of the accounts then before the House were correct, it would appear that the right hon. Gentleman, the Chancellor of the Exchequer, had over-estimated the public income to the extent of 600,000*l.*, and had under-estimated the expenditure as much as 300,000*l.*, making in the whole a greater deficiency by 900,000*l.* than the right hon. Gentleman had calculated.

Mr. *Briscoe* concurred with those who thought that there ought to be an increase of taxes—nay, it appeared to him there were several articles very inadequately taxed. He thought that enough of taxes should be imposed to leave fair grounds for expecting that there would be sufficient to meet the whole expenditure of the country. There were those, and men of some authority too, who thought that the income of the country should be placed upon such a footing as would leave just grounds for expecting a surplus of at least 5,000,000*l.* It was considered that such a surplus was no more than barely sufficient to afford security to the public creditor, and at the same time adequately to maintain the character of this great country in the scale of nations. It was rather a remarkable feature of the present position of the country, that the existing deficiency arose not from a failing revenue, but from an increasing expenditure. Though favourable generally to an increase of taxation, there were two taxes which the Government meant to increase, which he thought highly inexpedient, and to which he felt bound especially to object, namely, the duties upon raw cotton, and upon wool. He, therefore, hoped that the tax upon cotton and wool would not be increased, and that the window-tax would also be exempted from the larger taxation of ten per cent., which was now proposed.

Mr. *Darby* considered the cheapest mode of carrying on the business of the country to be, by having the revenue greater than the expenditure. He regretted that the Post-office had been altered to so large an extent, and would have been glad if a twopenny rate had been proposed instead of the lower rate of a penny. It would be better, in his opinion, if the duty on raw cotton were not put on; and with respect to the further duty on hops, which was now proposed, he would observe, that the county of Sussex stood in a peculiar position in regard to that article; for, although the hops grown there were inferior to the hops which were grown in some other parts of the country, yet they paid the same rate of duty, and which was already too much for the growers to pay.

Lord *J. Russell* said, that the proposition which had been made by his right hon. Friend the Chancellor of the Exchequer, had been so fairly met by the House, and the general tone of the House seemed so much in favour of it, that he would not occupy their time by many observations. He wished, however, to say a word or two on one or two points which had been under discussion; but first he would observe, that the right hon. Gentleman opposite had said, that he agreed to the general principle of the proposition of his right hon. Friend, namely, that it was now time that they should meet the present deficiency in the revenue by taxation, and not by having recourse to loans. And secondly, that with regard to taxation, it was more advisable on the whole, for the sake of not increasing the present revenue establishment, and of not checking industry, to increase the existing duties rather than impose new ones. He trusted that his right hon. Friend would be contented with the support his proposition had received, and not endeavour to conciliate those who, on different sides, had made different propositions on behalf of different interests, no doubt with a very laudable regard for them, but seeming to overlook the exceptions which might be made to those propositions by others. One hon. Gentleman had proposed, on the part of the manufacturers of raw cotton and wool, that there should be no duty laid on those articles. Another hon. Gentleman wished, on the part of the agriculturists, that the proposed additional duty on malt and hops should not be raised. But he was afraid, if his right hon. Friend were to accede to exempting those four articles from the duties now proposed, he would find, on Monday night, the number of them increased from four to eight, respecting which similar objections might be made by some other hon. Members, and when not a single volunteer would come forward, like the hon. Member for Westbury, and say that many articles were inadequately taxed. That hon. Member had said, that the sum which was now proposed to be laid on by taxation was not sufficient; and that they ought to endeavour to cover, by the increased taxation, the whole expenditure of the year. He must say, with respect to the general principle of the proposition, both as regarded the public and also private individuals, that when there were some sudden and unforeseen sources of expense, it was a very legitimate mode of providing for that expenditure, by means of loans rather than by new taxes, which in the course of two or three years, if that expenditure was not continued, they would be justified in taking off, but at the same time incurring the risk and evil of producing impediments in the way of industry, without any adequate motive. That was not a new mode of proceeding, because at the time of the revolutionary war in France, Mr. Pitt had so far increased the revenue by wise measures of finance, as to obtain a sinking fund; but when the expedition to Nootka Sound and the Russian armament had increased the public expenditure, he provided for that increase by means of a loan. There certainly was a sinking fund at that time in existence, but there was an increased expenditure over the revenue of the country, which was made up by a loan. But with respect to the more general principle contained in the proposition of the hon. Gentleman, he considered that the country had pursued for some years a wiser course, instead of having a considerable sinking fund over the expenditure, to have only a revenue sufficient to meet the expenditure, leaving the country at liberty to increase its means, and thus enable it to meet any future calls. And if he compared the peace now with that of former times, he should say that the country, after it had increased in wealth through reduced taxation, was rendered more able to bear an expensive war than by making small and ineffectual efforts, by continuing taxes of 2,000,000*l.* or 3,000,000*l.* a year for some ten years. The country had pursued that course of late years, and if they looked to the last five years they would not find a result so very different from that which he had stated, and which he thought ought to be their principle—namely, providing only for the expenditure, and not having any large revenue beyond that. The result of the last five years, to which his right hon. Friend had referred, was, that the amount of expenditure over the revenue was only 77,000*l.*; and if they now laid on taxation to the amount of 2,300,000*l.*, they might then defray their expenditure without any increase on the amount of debt, but, he admitted also, without obtaining any sinking fund. As to this question of revenue, he thought one subject had been introduced which it was not fair to consider as a revenue question—he meant that of the Post-office. He did not consider that as one of revenue. He was ready to allow that he had concurred in that measure, but he had no strong belief in the calculations that were made, that, by the increased number of letters the general amount of revenue from that source would not be lessened. He believed, that the amount would increase from what it was at present, but it would be by very slow degrees, and perhaps might not produce a million for several years: but if it only produced 500,000*l.* a year, being a loss of more than a million a year, he should not in the least regret that he had supported it. He considered it as a measure to give to persons of very moderate means, and also to poor persons, an opportunity of communication, from which they were almost prohibited by the old rate of postage. He considered also that it afforded great facility of communication to all persons having great commercial speculations in hand; and likewise seeing the increase of the passage of persons from one part of the country to another, that a great benefit would result from the obstacles which formerly existed to communication by letter being removed. He did not, therefore, think it fair to consider this question as one of taxation, or to express any disappointment on that ground. For his own part, he felt no disappointment, and he was ready to repeat again the vote which he gave last year. He begged only further to say, that the House appeared so generally to concur in the proposition of his right hon. Friend, that he trusted the hon. Member for Kilkenny, having stated his views, would not think it necessary to bring it to a vote.

Mr. *Grote* should certainly support the proposition of the hon. Member for Kilkenny, believing, as he did, that it would be the most legal and least burdensome mode of raising a part of that deficiency which they were now called upon to supply; but considering, as he did, that it would be rejected by a very large majority, he would not trouble the House with any remarks on the subject. He wished, however, to make one observation on the proposition of the right hon. Gentleman, the Chancellor of the Exchequer. It was in reference to the proposed per centage in addition to the existing customs' duty; and he would submit to the right hon. Gentleman whether this was not a fitting occasion for him to consider one tax which he believed was in substance an addition to the existing customs' duty, and which in the form in which it was now laid down was most inconvenient to the mercantile interests, and produced a great degree of dissatisfaction—he alluded to the stamp duty on policies of marine insurance. That duty obliged many persons to make their insurances in foreign ports and in the colonies, and also gave an additional advantage to foreign shipowners in preference to our own, as well as to great shipowners, who made their ships insure one another, and did away altogether with other insurance, over the small ship owner, who was obliged to insure his vessels. This duty, although in the form of the process of insurance, was practically and in effect to increase the price of goods imported into England, and was therefore tantamount to an increase on the duty on goods imported. The right hon. Gentleman might, therefore, consider now whether, if he were going to increase the Custom-house duties at all, he might not by a slight rise in them dispense with the duties on the policies of marine insurance. This duty produced only about 130,000*l.* a year, and by a slight addition to the Custom-house duties might well be done away with; but he would leave the subject with the right hon. Gentleman.

Mr. *C. Villiers* could not help feeling glad that the hon. Member for Kilkenny had directed the attention of the House to the question which he had brought forward, because one branch of the question, which to him it appeared most important to consider, was the source from which our revenue was derived, and the mode of levying the taxes, for one hon. Member said, there should be an increase of taxation, whilst another holding out a probable deficiency of 900,000*l.*, said it ought to be reduced. It seemed, then, to be a proper subject for the consideration of the House. The manner in which the taxes were levied in this country was most unequal and partial, unlike the financial system adopted by every other country in Europe, and contrary to the views of every enlightened financier. The taxes were levied not on those who were able to bear them—not according to the person's means, but rather on the principle of a poll-tax, according to number, and on everything which each person must consume. The present system of taxation was precisely calculated to limit the power of consumption amongst the people. He should not have been tempted to refer to the matter, if it had not been for the allusion made by the right hon. Baronet, the Member for Tamworth. He could not have thought the right hon. Gentleman would have ventured to have alluded to the Corn-laws, and he must say, that his observations upon them had been somewhat ill-timed. The right hon. Baronet had congratulated the House and the country on the occasion upon the operation of the Corn-laws, because he said those laws had enabled the country to maintain the public credit, and that with those laws the large revenue necessary was collected. He begged to inquire at what expense? were the people in a prosperous condition? Was the country in a satisfactory state? Did not the people actually trace their sufferings to that very source? Nobody denied that the revenue was collected; but would anybody deny that the people had suffered, and were still suffering, from the high prices of provisions? He should not have discharged his duty to those who had sent him here, if he had suffered the observations of the right hon. Baronet to pass unnoticed.

Sir *R. Peel* did not complain of the notice which the hon. Member had taken of his observations. He wished, however, that the hon. Member had quoted these observations correctly. He had not imputed to the Corn-laws the means of enabling the Government to collect large revenues, and, therefore, he advised them to adhere to the Corn-laws. What he had said was this—the right hon. the President of the Board of Trade, inquired what had been done in respect of the remission of taxation since 1830. The right hon. Gentleman stated he could show, from the amount of customs and excise, there had been a great reduction of taxation, but such was the elasticity and buoyancy of the commerce of the country, that notwithstanding the remission of taxation, there had been a great and constant increase in the revenue. He (Sir R. Peel) had then observed that this extension and buoyancy of commerce had taken place concurrently with the existing system of Corn-laws; that it was difficult to assign a precise cause of national prosperity, and he did not push the argument further than to urge this fact as evidence, that the increase of commercial and manufacturing property had been acquired concurrently with the existing Corn-laws, and he had suggested as matter for consideration, whether the removal of those laws might not be productive of a reduction in that prosperity.

Mr. *Muntz* said, that if the taxation of the country as at present existing, bore equally upon all classes of the community, he (Mr. Muntz) would be the last man to object to the principle upon which the right hon. the Chancellor of the Exchequer had announced his intention to proceed, for it was an excellent principle, inasmuch as it did not require new machinery. Still, however, if ever there was a time when the working classes could worse bear the burden of taxation, that time was the present. He, therefore, thought the Legislature would have done better to have put on a property-tax to meet the existing deficiency, instead of increasing those taxes which he contended the people were not able to bear. The privations of the working classes were severe at present; they were likely to increase, and he therefore should support the amendment moved by the hon. Member for Kilkenny.

Mr. *Hume* had heard a great deal from the right hon. Baronet opposite on every feature of this question, but not one word as to economy. But he would put it to the right hon. Baronet, whether the better way to support the public credit was not to reduce the expenditure than to impose new taxes. It was true there was a deficiency, which it was proposed to meet, but would it not be better to impose whatever burdens should be necessary on landed property? He had seen this day an address from the Society for the Protection of Agriculture, dated May, 1840, and signed "T. T. Bernard." From this document he would show the proportions of taxation levied on real and personal property. The amount of personal property liable to this tax was, in this kingdom, 42,000,000*l.*, and, in Ireland, 2,240,000*l.* Thus they had no objection to tax the property of the poor to the amount of 44,000,000*l.*, which tax was equal to more than 2,000,000*l.* annually. According to the statement of this society the amount of capital embarked in land was no less than 3,000,000,000*l.*, while the amount of capital embarked in manufactures was only 220,000,000*l.* That being the representation of this society,—which hon. Gentlemen opposite at least would not controvert, as it came from their own partisans,—let them consider, that here was a tax of more than 2,000,000*l.* a-year levied on 220,000,000*l.* embarked in manufactures, while there was not one farthing levied on the 3,000,000,000*l.* invested in land. Gentlemen did not seem aware, that there was a tax levied on the descent of personal property, while there was none on the descent of real property. The amount of real property passing annually by descent was 44,000,000*l.*, according to the authority of the country gentlemen themselves. If this were taxed even at two per cent. instead of five per cent., which was the average of the tax on personal property, it would produce more than 2,350,000*l.* a-year. He would ask the right hon. Baronet did he feel no compunction at seeing all that property free from taxation, while personal property was so heavily taxed? He wished to make one observation with regard to the connexion which the hon. Baronet was pleased to see between the prosperous state of the revenue and the corn-laws. If the right hon. Baronet would only consider that we had the population increasing at the rate of one and a half per 100 a-year, and that in 1836 the revenue was 46,000,000*l.*, and therefore if the increase of the revenue had kept pace with the increase of the population, the increase of the present time would be 2,600,000*l.*, whereas it was only 1,463,000*l.* He contended, therefore, that instead of an increase in the revenue, there was a virtual decrease when compared with the increase of the population, and this decrease he attributed to the corn-laws. It was the duty of this House to diminish the extraordinary expenditure of the country; but in the meantime if taxes were to be imposed, let them be imposed on real property. With that view he would take the sense of the House on this amendment.

Lord *Ingestrie* would agree to the proposal of the hon. Gentleman who had just sat down to put personal and real property on the same footing with regard to the legacy duty, when he should see personal property assessed to poor rates, county-rates, and other rates. He thought real property was already much more heavily taxed than personal property. He agreed fully with the Chancellor of the Exchequer, that it was the imperative duty of this country to meet its financial difficulties.

Mr. *Wallace* would first support the motion of his hon. Friend to the right, and if that should not be successful he would then support the motion of the Chancellor of the Exchequer to make good the deficiency in the revenue according to the pledge to which he was last year a party.

The *Chancellor of the Exchequer* was glad to hear that statement from the hon. Member for Greenock, and trusted it would be acted upon by other hon. Members who had called for a reduction in postage. In the few observations he (the Chancellor of the Exchequer) had now to make, he should best consult the convenience of the committee if he confined himself to the particular motion of his hon. Friend, the Member for Kilkenny, who had taken upon himself the unenviable task of proposing the imposition of new taxation. His hon. Friend said, that instead of taking the taxes as he (the Chancellor of the Exchequer) proposed, the Government ought to have moved a legacy duty on real property. He (the Chancellor of the Exchequer) would not go into the details of the mode in which his hon Friend proposed to put that tax on, because his (the Chancellor of the Exchequer's) objection was to the principle of the tax. His hon. Friend said, that he would lay on that tax because the agricultural interests were not sufficiently taxed, and therefore he would direct the new impost against them. Now, he confessed, that the object he had in view in the budget he had proposed was to spread the taxation so as not to press upon any particular interest—on the contrary, that it should be general, and not felt harshly by any particular class. Now, if his hon. Friend knew the number of sources from which the legacy duties were derived, he would find that the great portion was paid by those whom his hon. Friend considered to be freed from taxation. But, let the committee just look to the cause by which the deficiency in the revenue to be provided for had arisen. In the first place it had arisen principally from the deficiency in the Post-office revenues. Who was it that had received the benefit of a reduction of postage? Was it the agricultural classes? Was it not a fact that the advantages to be derived from the reduction of taxation which had hitherto taken place were principally felt by the commercial and manufacturing interests. Would it be fair, then, to give them an additional advantage, and call upon the agriculturists to bear the deficiency. The House should not fail to recollect when considering the present deficiency, that there went 800,000*l.* annually for compensation to the West Indies. He did not see upon what grounds of justice the new burdens should be laid exclusively upon any particular class of the community. With respect to what had been said of deeds, when he looked at the probate and legacy duties as compared with those derived from deeds—and it should be remembered, that a great part of the amount from deeds was derived from landed property—he did not find such a difference. The probate and by-way duties amounted to 1,724,000*l.*, and those from deeds, to 1,680,000*l.* He was happy to find, that during the whole of the discussion not a single word had fallen from any hon. Gentleman, intimating a doubt with respect to the resources of the country.

The committee divided on the question, that the words proposed to be left out stand part of the question.—Ayes 156; Noes 39: Majority 115.

List of the AYES.

Abercromby, hn. G. R.
Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Arbuthnot, hn. H.
Archbold, R.
Bailey, J.
Bailey, J., jun.
Baring, rt. hon. F. T.
Barnard, E. G.
Bateson, Sir R.
Berkeley, hn. H.
Berkeley, hon. C.
Blair, J.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bramston, T. W.
Broadley, H.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Busfeild, W.
Calcraft, J. H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cavendish, hon. C.
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Copeland, Alderman
Courtenay, P.
Cowper, hon. W. F.
Darby, G.
Douglas, Sir C. E.
Duke, Sir J.
Dunbar, G.
Dundas, D.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Fleetwood, Sir P. H.
Freemantle, Sir T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, R.
Gordon, hon. Captain
Goring, H. D.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Greenaway, C.
Grey, rt. hn. Sir C.
Hamilton, C. J. B.
Hawkes, T.
Heathcote, G. J.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, R.
Holmes, W.
Hope, G. W.
Hoskins, K.
Hotham, Lord
Howard, F. J.
Howard, P. H.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Jackson, Sergeant
Johnstone, H.
Jones, Captain
Kemble, H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lefroy, rt. hon. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, hon. Col.
Mackenzie, T.
Macnamara, Major
Marshall, W.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Lord
Mildmay, P. St. J.
Miles, P. W. S.
Mordaunt, Sir J.
Morpeth, Lord
Morris, D.
Norreys, Lord
O'Brien, W. S.
O'Neill, hn. J. B. R.
Pakington, J. S.
Palmerston, Lord
Parker, R. T.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, D. R.
Plumptre, J. P.
Power, J.
Praed, W. T.
Price, Sir R.
Pringle, A.

Pryme, G.
Redington, T. N.
Rickford, W.
Roche, W.
Roche, Sir D.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Sandon, Lord
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, R. V.
Somers, J. P.
Somerset, Lord G.
Stanley, hon. E. J.
Stanley, Lord
Stansfield, W. R. C.
Steuart, R.
Stuart, W. V.
Strutt, E.
Talfourd, Sergeant.
Tancred, H. W.
Trench, Sir F.
Troubridge, Sir E. T.
Vere, Sir C. B.
Wilde, Sergeant
Wilmot, Sir J. E.
Wilshere, W.
Wodehouse, E.
Wood, G. W.
Wood, Colonel T.
Worsley, Lord

TELLERS.

Parker, J.
Tufnell, H.

List of the NOES.

Blewitt, R. J.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Dennistoun, J.
Dundas, C. W. D.
Ewart, W.
Fielden, J.
Finch, F.
Gillon, W. D.
Greg, R. H.
Grote, G.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hollond, R.
Jervis, J.
Johnson, General
Langdale, hon. C.
Marsland, H.
Muntz, G. F.
Muskett, G. A.
Oswald, J.
Philips, M.
Rice, E. R.
Scholefield, J.
Strickland, Sir G.
Thornley, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Ward, H. G.
White, A.
Williams, W.
Wood, B.
Yates, J. H.

TELLERS.

Hume, J.
Warburton, H.

On the original resolution being again put,

Captain *Jones* objected to the proposed alteration in the spirit duties; said 4*d.* per gallon on Irish whiskey would be too great an addition to the duty already paid. It would raise that duty 14 per cent., and the consequence would be, that the illicit trade would again revive.

General *Johnson* also opposed the tax, as one which would fall exclusively on the poor.

Colonel *Sibthorp* was understood to say he would not oppose any tax by which the present ministry would render themselves more unpopular.

Sir *R. Peel* said, that if, as the right hon. Gentleman had stated, his proposition of adding 4*d.* per gallon was for the purpose of avoiding the confusion to which a general tax of five per cent. on spirit would lead, there was considerable fear that the object would not be achieved. The right hon. Gentleman had told the House that the treaty with France might have the effect of reducing the revenue by the sum of 300,000*l.* He had not, however, stated by the introduction of what articles that reduction would take place. He suspected that French brandy would be one of these articles. Now if French brandy were introduced, and an additional 4*d.* levied on British spirit, it would, in his apprehension, lead to great confusion.

The Committee divided,—Ayes 111; Noes 15: Majority 96.

List of the AYES.

Acland, Sir T. D.
Adam, A.
Aglionby, Major
Archbold, R.
Bailey, J.
Baring, rt. hon. F. T.
Barnard, E. G.
Berkeley, hon. H.
Berkeley, hon. C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Broadley, H.
Bryan, G.
Busfeild, W.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cavendish, hon. C.
Clerk, Sir G.
Clive, hon. R. H.
Darby, G.
Douglas, Sir C. E.
Dunbar, G.
Dundas, C. W. D.
Dundas, D.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Finch, F.
Fleetwood, Sir P. H.
Gordon, R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir G.
Hawes, B.
Heathcoat, J.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Hope, G. W.
Hoskins, K.
Howard, F. J.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Sergeant
Jones, Captain
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Litton, E.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Lord
Mildmay, P. St. J.
Mordaunt, Sir J.
Morpeth, Lord
Morris, D.
O'Brien, W. S.
O'Ferrall, R. M.
Oswald, J.
Palmerston, Lord
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, hon. G. J.
Philips, M.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryme, G.
Redington, T. N.
Rickford, W.
Roche, W.
Roche, Sir D.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hon. A.
Sandon, Lord
Seale, Sir J. H.
Shaw, rt. hon. F.
Sibthorp, Colonel
Stanley, hon. E. J.
Stanley, Lord

Stansfield, W. R. C.
Steuart, R.
Stuart, W. V.
Strutt, E.
Talfourd, Sergeant
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Wallace, R.
White, A.
Wilde, Sergeant
Wilmot, Sir J. E.
Wilshere, W.
Wood, Colonel T.
Wood, B.
Worsley, Lord

TELLERS.
Tufnell, H.
Parker, J.

List of the NOES.

Aglionby, H. A.
Brotherton, J.
Bruges, W. H. L.
Ewart, W.
Fielden, J.
Gillon, W. D.
Gisborne, T.
Hindley, C.
Hume, J.
Marsland, H.
Muntz, G. F.
Parker, R. T.
Scholefield, J.
Wakley, T.
Warburton, H.

TELLERS.
Johnson, General
Williams, W.

Resolution agreed to.

On the resolution, that an increase of 10 per cent. be raised on the assessed taxes.

Mr. *Hume* said, that Lord Althorp had pledged himself when Chancellor of the Exchequer, that no increase should take place in the window taxes, and it would be extremely inconvenient if an extra charge should be now laid on. He thought the Chancellor of the Exchequer should exempt windows from an increased charge after the solemn pledge made by his predecessor.

Mr. *Finch* thought it more than a pledge, for in the statute 4 William 4th, it was expressly stated, that any party should build his house as he thought fit, having above a certain number of windows, and not be subjected to any additional duty; and that any house having only seven windows should not be subjected to any duty at all for opening any number more.

The *Chancellor of the Exchequer* said, with regard to the survey, he wished to propose no new duty, he wished for no additional power whatever, he broke no clause of the act of Parliament. He only stated this, if persons did not pay what they were liable to pay, he should request them to do so. He only wished them to do that by a general survey.

Mr. *Hume* said, the Chancellor of the Exchequer did mean to raise a certain additional amount of taxation, to be derived from the window tax.

The *Chancellor of the Exchequer* said, if a person liable to the window duty had never paid any charge whatever, it was never enacted that that person should be for ever exempt.

Resolution agreed to.

House resumed, report to be received.

HOUSE OF LORDS,

Monday, May 18, 1840.

MINUTES.] Petitions presented. By the Marquess of Normanby, from Liskeard, for Medical Reform.—By the Duke of Richmond, from Sussex, against Alteration of the Corn-laws.—By the Duke of Argyle, from various places in Scotland, against Intrusion of Ministers.

HOUSE OF COMMONS,

Monday, May 18, 1840.

MINUTES.] Bill. Read a first time:—Indemnity; Church Building; Inclosure Acts Amendment.—Read a third time:—Tavistock Small Debts; Royal Naval School Incorporation.

Petitions presented. By Mr. Archbold, Mr. Power, Colonel Butler, Mr. Redington, Mr. E. Roche, Mr. Lefroy, Mr. Grattan, Mr. O'Connell, and others, from Bannow, Bandon, Baltymore, Lady's Island, Kerry, Killmore, and various other places, against Lord Stanley's Irish Registration Bill.—By Lord Stanley, Colonel Conolly, General O'Neil, Mr. Litton, Lord Powerscourt, and several others, from Bandon, Limerick, Cashel, Clanmore, Wicklow, and various other places, in favour of the Irish Registration Bill.—By Major Chetwynd, Lord Acheson, Mr. Clive, Mr. Buller, and others, from Uttoxeter, Scarborough, St. Alban's, and various other places, against the County Constabulary Bill.—By Mr. Hume, from various places in Ireland, for a Repeal of the Corn-laws.—By Mr. Thornely, from Liverpool, against the Importation of Hill Coolies into the Mauritius.—By Mr. Hodgson, from Berwick, in favour of the Vaccination Bill.—By Mr. Wallace, from Greenock, against the Sale of Spirits on Sundays.—By Mr. A. White, from the Anti Corn-law Association, against the Corn-laws.—By Mr. Hawes, from Camberwell, and other places, against any Grant of Public Money for Church Extension.

PILOTAGE.] Mr. *Mackinnon* begged to ask a question of the right hon. Gentleman the President of the Board of Trade with regard to the pilotage of the coasting steam vessels. In the year 1835 a commission had been appointed to inquire into the system of pilotage, and the report was, that all steam-vessels, whose voyages did not exceed twenty-four hours' duration, and having proper persons on board, capable of navigating them, ought not to be required to take in pilots. He wished to know whether any intention existed on the part of the government to take any measures upon this recommendation?

Mr. *Labouchere* had stated at an early period of the Session that he should be most desirous of bringing in a measure upon the subject of pilotage generally, because he considered that it was one which was of very great importance. He must confess, however, that after the reception which a bill introduced two years ago by Mr. Poulett Thomson met with, until he found a more general feeling to prevail in the House upon the subject, merging those local interests which had before actuated hon. Members in their opposition to the measure, he thought that it would be a useless waste of the time of the House to ask them to agree to any bill. If in any future Parliament in which he had the honour of holding the position with which he was now entrusted he perceived any probability of such a measure being successful, he should feel it to be his duty to bring the subject forward.

REGISTRATION OF VOTERS (IRELAND).] Lord *Stanley* moved on the order of the day for the House to go into a Committee on the Registration of Voters (Ireland) Bill, that the Speaker do now leave the chair.

Sir *W. Somerville* rose to oppose the motion. He said, that in rising to move that the House should go into Committee that day six months, he addressed the House with more than ordinary diffidence, because he believed that this was the most important occasion on which he had ever presented himself to the notice of the House; but he trusted that the vast importance, the mighty interests that were at stake, and the inevitable consequences which he conscientiously believed would follow the adoption of the bill of the noble Lord, would obtain for him the indulgence of the House while he endeavoured to state the reasons which had induced him to undertake the task which he was just commencing. He thought that it would be necessary, if the House would allow him, more particularly as he knew that much misapprehension existed on this subject, to oppose the idea which seemed to exist, that the constituency of Ireland was a mass of confusion, and that the voice of persons possessed of property, intelligence, and respectability was altogether overborne. He begged the attention of the House to what the real facts were, and he thought that he should be able in a few words to strike the balance between the population and constituencies of Ireland and England. In England the rural population was 8,500,000; the constituency 344,000. The rural population of Ireland was upwards of 7,000,000; the constituency not 60,000. That was remarkable, but it was not enough for his purpose. He admitted, with great regret, the difference in wealth between the two countries which was very great, and he would, therefore, enter more into detail. He would be the last person who would wish to mislead the House; and he should, therefore, think it his duty to state nothing upon which he had not taken every pains to make himself well informed. He would state nothing to the House which he could not verify by official documents, and he should therefore confine himself particularly in his statements to the counties of Meath and of Louth, inasmuch as they were the counties in which he resided, and on which it might be supposed he should be able to afford the House the most correct information. The population of the county of Meath in 1821 was 159,000. The population in 1831 was 176,000, being an increase of 17,000. Suppose the population had gone on increasing in the same ratio, they would find that the population of the county of Meath would amount at the present moment to about 190,000. At the registry which had taken place after the passing of the Reform Bill, the constituency was 1,534; but he could state to the House, from documents on which he could as confidently rely as on anything which was not certainly known, that the population now about to be registered would amount only to 1,350; thus showing a decreasing number of voters with an increasing population. When they saw such a state of things—when they saw a declining constituency with an increasing population, and that population increasing in wealth and intelligence, they should at least not proceed with any measure in a harsh or hasty manner, and he thought that the noble Lord had not made out even a *prima facie* case for going into Committee, from the statement that the registry was overloaded by fictitious voters, who had made good their claims by fraud and perjury. But let the House see farther what was the state of these constituencies? Was the voice of intelligence overborne in the county in question? Not at all. The constituency of Meath was composed as follows:—there were of 50*l.* and 20*l.* voters, 712; and of 10*l.* voters, 810. Now, could it be said the property was there overborne by numbers? Let them next look to the case of Dublin. There were in that county 4,165 voters, and of these there were of persons possessed of

50*l.* and 20*l.* freeholds, and persons holding rent-charges, 2,745, and of 10*l.* voters only 1,420. This, he thought, showed nothing which could bear out the statements of the noble Lord, but it imposed on the House the necessity of proceeding with great caution with a bill of pains and penalties, such as that introduced by the noble Lord. It showed, he believed, that they should proceed with forbearance and with prudence, and that the animus which should direct them ought not to be to restrain and restrict, but as far as possible to encourage the registration of voters, and to remove those obstacles which it was very evident now existed to placing new and qualified voters on the registry. The noble Lord would perhaps say, that there were abuses in the present system. Undoubtedly there were. So there would be in any system. But the object should be to throw difficulties only in the way of the fictitious voter, and to give every facility for the honest and *bona fide* voter. Having now exposed the erroneous ideas entertained of the existing state of the Irish constituency—he would proceed to the plan of reform recommended by the noble Lord. He would declare that he was not influenced in his opposition by any personal feeling against the noble Lord. On the contrary, he should rather be disposed to give greater consideration to any measure coming from so distinguished a Member. He opposed the bill upon public grounds, and because he was convinced that every one of the noble Lord's provisions would tend to cripple and impair the franchise. He would not occupy the House for any time, but would confine his observations to the two main principles of the bill. Upon those two principles he considered himself fully warranted in objecting to the House going into Committee, and proposing as an amendment, that they should go into Committee on that day six months. What were the proceedings which the noble Lord proposed by this bill. The unfortunate claimant, under the present system, was obliged to appear before the assistant barrister, to confront attorneys, agents, and overseers, to be examined, and cross-examined, or, to use an expression familiar in Ireland, to be haggled and cross-haggled. The noble Lord, by his bill, proposed to bring the party on appeal before the judge of assize, and stated that in doing that, he was proposing what would be a great benefit to the claimant, namely, to bring the registration courts close to his door. The noble Lord said, that he would introduce a clause to enable the Lord-lieutenant to institute fresh courts of registry; but the noble Lord took away with one hand what he gave with the other. He brought the registration court close to their door it was true, but he made them walk fifty miles before they could reach the judge of assize. He had given a reciprocity of costs, it was true; but he asked the noble Lord to consider the difference between the costs to the poor and costs to the rich. The 5*l.* paid by a poor man might be all that he possessed, and might be his ruin; but what was it to the rich man, deducted, as most probably it would be, from the coffers of the Conservative Club? The noble Lord said, that he did not touch the franchise, but it was very well known that there was a difference of opinion among the judges as to the value of the franchise—that some thought it ought to be restricted whilst others were favourable to its extension. Suppose, then, that the claimant who had passed the ordeal of the assistant-barrister should be brought before a judge of assize, who happened to be one of those that were favourable to the franchise, and accordingly allowed the claim to pass. Then, suppose, next year, having again undergone the same process, he had to appear before a judge who was unfavourable to the franchise, and his claim was disallowed. Would it be right to mulct that man in costs? He might have had to bring his witnesses fifty or sixty miles. No one knew better than he how ready the Irish people were to do a good turn to one another, but every man might not be able to go fifty or sixty miles at his own expense, to serve a neighbour—indeed it would be too much for any claimant to ask his friend, without paying the costs. The claimant, therefore, who was unable to pay the expenses of the witnesses, would be disfranchised. He solemnly declared that a more vexatious, troublesome, or expensive system no ingenuity could possibly devise; and he would ask any fair and reasonable man whether it was not a matter of certainty, by such a system of annoyance, that people would be worried out of their franchise, or deterred by the example of their neighbours, from making any claims? The franchise would be destroyed, and the representation of Ireland thrown into the hands of those who possessed the longest purses, and were best able to endure the annoyance of those expensive and vexatious oppositions. Such a bill as that would entail upon the country an unceasing agitation. It was not in effect an annual registration, but perpetual agitation. Hon. Gentlemen, who did not reside in Ireland, might not understand the effect of the bill, but any gentleman who resided in Ireland, and understood how much that country required repose and quiet, would be sensible of the truth of his remark, and they surprised him by their support of this measure. [*Cheers.*] He understood the meaning of that cheer from hon. Gentlemen opposite perfectly well. He would say he was as anxious as any man could be to see the tranquillity of that country firmly established. He had made as many sacrifices as any man to obtain tranquillity for that country. But he differed from hon. Gentlemen opposite as to the means of establishing and securing that tranquillity. He was satisfied they never could expect tranquillity until they did justice to the people, and by justice, he meant that which they considered to be justice. He wondered, then, how hon. Gentlemen, residing in Ireland, and knowing the country, could support such a bill as this. He would admit that the bill of the noble Lord would be successful at last—it would be successful in destroying the franchise; but not until it had left behind it a spirit of illwill and rancour, and had divided landlord from tenant even more than they unfortunately were at present—not until it had left behind it, he had almost said, a feeling of revenge, the consequences of which no man could foresee, and the effect of which he solemnly believed would not be worn out within the life-time of the youngest Member of that House. He must suppose that hon. Gentlemen in that House understood the provisions of that bill, but he was satisfied that much misapprehension existed in Ireland, or they never would have had those petitions which were presented in its favour. Many persons had given their support to the noble Lord's bill, who were not all cognisant of the nature of its details. The hon. Baronet, the Member for Londonderry, had presented a petition from the town which he (Sir William Somerville had the honour to represent, in favour of that bill. Now in Drogheda, the Conservative party, as they were called—(but having consented to the destruction of the municipal corporations, and being now desirous of the destruction of the franchise, he thought they might as well drop the name of Conservatives)—in Drogheda, however, the Conservative party had an organ, from which he would read a passage, in order that the House might judge for themselves whether the Conservative party in Ireland were well informed upon the subject of the provisions of this bill. The hon. Baronet then read a paragraph from the *Drogheda Journal*, which stated that the bill did not give an annual revision of the entire registry, and that if it did they would be amongst the very first to deprecate such a troublesome proceeding. Now the fact, on the contrary, was, that the bill did provide for an annual revision; and it was not only a troublesome proceeding, but it was a dangerous and a mischievous one; and he hoped hon. Members belonging to Ireland would pause and reconsider the question before they gave their vote for the committal of such a bill. Not only did it provide for an annual revision, but it gave an appeal to the judges of assize. Let such a bill pass, and there would not be a 10*l.* voter in Ireland who would not be summoned before the judge of assize—at least they certainly would, so long as there was a 10*l.* voter left in the registry; but that would not be for many years if this bill was allowed to pass. Look at the inconveniences attending the appeal: independently of the expense and delay attending the individual appealing, the fines and imprisonments for non-attendance of witnesses, and such like obstructions, there was the chance that the judge would, after all, not have time to hear the appeal, being obliged to proceed at a given time to open the commission elsewhere. In his opinion there was nothing more calculated to bring the administration of justice in Ireland into contempt, or calculated to destroy the incipient confidence which the people were beginning to repose in the Government, than the framing of such a measure. The noble Lord would say, that these provisions might be altered in Committee; but if so, it was nothing but a waste of the time of the House to introduce such a measure. Looking at the vast power possessed by the judges in Ireland, and the increase of influence which they were acquiring over the minds of the people, and bearing in mind the extreme importance to the welfare of Ireland of preserving their authority, he confessed that, rather than impose on those venerable persons the objectionable task of disfranchising, he would do away with the revision of the barristers altogether, and confide their powers to some other tribunal. He had received a letter from Mr. Murphy, the assistant barrister for Cavan, on the subject, in which he said—That he spoke the unqualified and unhesitating opinion of every assistant barrister, and every member of the Irish bar, whatever his political opinions might be, when he said, that Parliament made a grievous mistake when they inflicted upon assistant barristers the obnoxious duty of registering voters—that up to the infliction of that evil no imputation had been cast upon them, but that at the present moment, when an assistant barrister was appointed or transferred from one county to another, the sole question was, what his politics were, and this was regarded in judging of every act and decision he made, whether in a civil or criminal court. If these objections were well founded, as to the assistant barristers, with what additional force did this not apply to the judges in their exalted and sacred character. Mr. Murphy went on to say, that in his opinion, Parliament should endeavour to restore to the assistant barristers the confidence they formerly possessed in the estimation of the country, and protect the judges from suspicion. In those sentiments he (Sir William Somerville) cordially agreed, and he could not conceive how any person, who knew anything of Ireland, could differ from him, still less, how they could propose an annual system of registration, or, what was still more preposterous, an appeal to the judges of assize. The effect of the provision would be to destroy the confidence of the people in the administration of justice, and to undo all that had been done in that country during the last five or six years. In favour of the annual registration principle, embodied in this bill, it was urged, that the present Master of the Rolls had, with the assent of the hon. and learned Member for Dublin, brought in a bill which contained a similar provision. But that bill provided for the opening of the registry only in cases where an actual change of residence or circumstances had taken place. Had such a bill as that bill was described to be by hon. Gentlemen opposite been brought in by either the Master of the Rolls, or any other Irish Member, whether the bill were supported by the hon. and learned Member for Dublin or not, he would have opposed it, and he always would oppose any measure on the subject which was based on the principle of the noble Lord's bill. Nothing, he was satisfied, could be more destructive than such a measure to the peace, tranquillity, and prosperity of Ireland. But the real reason, and the only reason why they were called on by agreeing to this bill to disturb the present state of the registration in Ireland was, that the noble Lord might be helped to get into office. Their appeal to the country had failed, the Spottiswood subscription had failed, and now they were called upon to destroy the franchise of Ireland. The Irish Members obstructed the noble Lord's attainment of office, therefore they were to be removed at any cost. No man more sincerely admired the noble Lord's high talents than he, but among the admirers of his legislation he certainly could not reckon himself. Supposing that the bill were carried, the Liberal Irish Members would certainly be removed. But the result would be the stifling of an immense amount of public feeling, which must somewhere find vent, and which would endanger the peace of the country. See what a mass of public feeling would be unrepresented in Ireland. He asked how would you control it? Would such a state of things be safe? If he sat on the other side of the House he would be sorry to bring about such a state of things. There was no Gentleman on either side of the House who would do more than he would do to put down immorality, or to take away every inducement to fraud or false swearing. But he entreated the House not to be led away by the statements which they had heard on the other side. He looked upon that as the dangerous part of the question, as it were, the opium ingredient. And he supposed they should be told, that every Member who was opposed to going into Committee upon the noble Lord's Bill was favourable to fraud, imposture, and false swearing—just as they were told, when it was attempted to cripple the arms of her Majesty's Government on an occasion of great national emergency—that every one who did not vote for the attempt, was friendly to the smuggling of opium. If the noble Lord was so desirous of putting down the false swearing, why did he not define the franchise? Or if he would not do that, why did he not try his hand a little nearer home? Had he seen nothing nearer home to rouse his indignation? Had there been no false swearing, no fraud, at Cambridge and Ludlow? But on the late occasion, when those transactions were exposed, who heard the noble Lord express his indignation? The noble Lord's indignation appeared to be reserved for the poor Irish; and the rich and powerful man, whose example was ten times as pernicious, was allowed to go unpunished. Let the House apply another test to the sincerity of the indignation, professed at immorality. The hon. Member for Belfast (Mr. E. Tennent) had presented a petition that evening, in which fraud and immorality were denounced in very indignant terms. The petition stated, that "the deficiency of the law held out great facilities to the commission of perjury, and the impunity of offenders, and so tended to demoralization." These were very fine words; but why not put an end to the deficiency of the law, and define the franchise? It was impossible for any man to say that the effect of the noble Lord's bill would not be, not only to reduce, but to destroy the franchise of the poorer classes. He would call the attention of the House to the language in another petition from Belfast, agreed to at a meeting convened to petition the House against the Bill. The rev. Mr. Montgomery stated at that meeting, that he had seen persons swear that the premises of a voter were worth no more than 7*l.*, but that, when the same premises came into the possession of a true Protestant, they were sworn up to the proper standard. By the noble Lord's bill, the man claiming the franchise would be discouraged, but the man who opposed it would be encouraged, because fresh power of annoyance, and fresh weapons of opposition would be placed in his hands. He would now tell the noble Lord, that, apart from all party considerations, he most sincerely and deeply regretted the introduction of the bill. He had hoped the time had come, when every man in that House was convinced it was necessary to proceed in their legislation for Ireland with caution, prudence, forbearance, and he would almost say with kindness. In the late debate upon confidence in Ministers, everything connected with Ireland was studiously kept out of view. He had thought that a very shabby proceeding—but he took it as a sign that Gentlemen in that House did not agree with those who maligned Ireland out of it. He was glad that the right hon. Gentleman, the Member for Tamworth, expressed himself on that occasion, with a total absence of all bitterness and malignity, indeed his observations stood out with a most favourable contrast to the remarks of the noble Lord. He deeply regretted that the noble Lord should proceed with such hurried, helter-skelter legislation. It was no light matter to have the people of Ireland quiet, when the privations they underwent were considered. The noble Lord's bill was neither more nor less than a disfranchising measure, and those who would inflict such a bill as that on Ireland, wanted not the will but the power to inflict the same on England. He considered the bill would degrade the administration of justice, and bring the judges into contempt—that it would strengthen the hands of those who were already too strong, and who were abusing the power they possessed, while it would weaken those who were already too feeble; in fact, he considered it an unjust, partial, hasty, and wanton measure, and would therefore, in conclusion, move that it be committed that day six months.

Mr. *J. Grattan* seconded the motion. The bill of the noble Lord was impolitic, unwise, and unjust, and its effects would be to annul the Emancipation Act of 1829, by destroying the 10*l.* voters, who were principally Catholics. It would also have the effect of reducing the constituencies of counties in Ireland to an average of 1,000 each. The perjury which had been ascribed by the noble Lord as the pretext for his bill, did not, and could not be supposed to exist, as the scrutiny to which each elector was subjected before the barrister, who examined him on oath, and investigated his vouchers, was most rigid; and if some evasions of the law did exist, they ought not so much to be ascribed to the insufficiency of the existing law, as to the omission or neglect of the assistant barrister. He regretted much that the noble Lord should have been the man to have brought forward a measure so calculated to excite religious animosity in Ireland. From the hon. Member for Belfast he should not have been surprised at such a proposition. That gentleman, once a Radical and a Repealer, was too impatient to wait for the result of the process of intimidation of Catholic voters by Protestant landlords, agents, and owners; but he was surprised that any person of the superior character and talents of the noble Lord, should have lent himself to such a proceeding—a proceeding which he was compelled to designate as a dishonest one. The noble Lord, who had knocked ten of the Irish bishoprics on the head, now came forward to talk of his respect and reverence for the Irish Church, and by way of proving it, would cast a firebrand in Ireland, which would light the dormant flames of religious animosity in that kingdom, from one end to the other. The noble Lord should have attempted to heal rather than tear open the scars of the Irish people. The measure of the noble Lord would sweep away nearly the whole of the elective franchise in Ireland. This was not an honest mode of proceeding; it would throw all the poor farmers of Ireland back into their former ignorance and darkness. The poor voters of Ireland were already sufficiently obstructed in the exercise of their franchise, by the refusal of leases, and other means. But the hon. Member for Belfast, not content with this imperfect mode of proceeding, had urged on the noble Lord to bring forward this sweeping and violent measure, which would at once deprive almost the whole Catholic constituency of their franchise, and renew all their grievances.

Mr. *Lefroy* said, that neither the hon. Baronet, nor the hon. Member who had followed him, had adverted to one single objection to the present system of Irish registrations. There were questions connected with that system which it was a disgrace to the House to leave unsettled—questions, the non-settlement of which was alike injurious to the constituency, and to the representation of Ireland. One of the most prominent of them was, the opening of registers in Ireland. On this subject, twelve Committees of that House had decided on opening the registry, and seven committees had arrived at an opposite conclusion. Now, without discussing the propriety of either decision, suppose the registry were not to be opened, what was the consequence? A vote once placed upon the registry, whether through fraud or mistake, must continue on it for the period of eight years (and by renewal might continue for life) without the possibility of redress; hence, although there was a revision for the English and Scotch registries, there was no revision for the Irish registries. Or, suppose the committee were to open the registry. Many persons thought the remedy worse than the disease, on account of the enormous expenses attending the difficulty of examining here the qualification of voters in Ireland, and on account also of the circumstance, that the decision took place behind the backs of the voters. These were great evils, but the present uncertainty in which the question was left was a still greater evil; and the committee for Longford, which did not open the registry, but seated the sitting Members, and which consisted of eight Liberal Members to three Conservative Members, unanimously recommended to the House the settlement of this question as a matter of the most pressing importance. Now this bill did settle the question; and, therefore, he was entitled to expect the votes of the members of that committee in favour of the bill. What was the hardship of not opening the registry? The last committee but one, which sat on the Longford election opened the registry, and found that ninety-two votes had been improperly put on the registry, and yet, at the last election, the sitting Members were returned by the aid of these ninety-two votes. Nor was the hardship confined to Longford. The twelve committees which did open the registry struck off 1,493 votes, averaging 124 bad votes for each place, and yet these votes still stood on the registry. Another circumstance in favour of the bill was, that in the bill brought in by the noble Lord, the Secretary for Ireland, there was a provision, that such votes should be disfranchised; but in this bill, which was characterised on the other side as a disfranchising bill, the votes were not struck out, but were only made open to objection, and the proof of the invalidity was put on the shoulders of the objector. Another question still unsettled, and the state of which was equally mischievous, was the question as to the right of the Speaker to issue his warrant to the clerk of the peace to strike off the register in Ireland, the names of those voters who had been decided by a Committee of the House to have been improperly placed on the register. By a resolution of the House, passed in June, 1833, and an amended resolution passed in 1835, on the motion of the noble Lord, the Secretary for the Colonies, the Speaker was ordered to issue his warrant for that purpose in such cases; and in the debate which took place on that occasion, the hon. Member for Cork, and the right hon. Member for Tipperary said, that the noble Lord's resolution should go further, for that the Cork committee had left untouched many voters who had no more right to be on the register than those whom it had struck off. The hon. Member for Liskeard said, that the Irish system of registration was defective, and that it ought to be annual. The hon. Member for Kilkenny said, that registration was necessary; and the hon. and learned Member for Dublin joined in that opinion, and said, that there was no reason why there should not be an annual registration in Ireland as well as in England; for that, in the course of eight years, a thousand circumstances of change might take place, and yet the certificate was conclusive, or could not be set aside without great expense. The Attorney-General for England supported the same view; and, therefore, backed by these authorities, he thought he had a right to claim also their votes in favour of the bill going into Committee, whatever modifications they might wish to introduce into it there. The first time, however, that this resolution was proposed to be applied to Ireland was in 1837. After the sitting of the Longford committee, and after a considerable debate, it was decided, that it could not be applied to Ireland, there being no provision in the Irish Reform Bill to that effect; but all sides of the House agreed that some act of legislation should take place upon the subject. The third objection was this:—There was at present a very large proportion of persons on every registry in Ireland who had lost their qualification from various causes. In the county of Longford, for instance, there were 2,731 electors on the registry, and yet the hon. and learned Member for Dublin had said, not long since, and his statements would not, of course, be doubted by hon. Gentlemen opposite, that the actual constituency of that county was only 1,294, being exactly 1,437 persons on the registry who, on his showing, had no business there. In Belfast it had been shown likewise that the proportions of actual *boná fide* electors to those whose names were on the registry alone was as 6,000 to 1,900. It was the same in various other places in Ireland. But it was a necessary result of the present sytem of registration, and would go on until it was put an end to. And yet the House was told that this system should be permitted to remain as it was now; that the bill for amending it was a disfranchising bill; and that the freedom of Ireland was at an end if it passed. He, however, would refer the House with confidence to the state of the Irish registries, as ample and sufficient grounds for the necessity of the bill before it. But there were other proofs of that necessity equally cogent and equally strong, furnished in the number of measures introduced by both sides of the House since 1835, to remedy the evil. Four had been brought in on the other side of the House—three by Members of the Government, and one by a supporter of Ministers; and two had been originated on his side. In all these bills the preamble was the same; all set out with stating the defects in the present law of registration, and the absolute necessity of amendment. With respect to the provisions of the present bill, he had carefully compared them with those preceding measures to which he had just alluded, and he could state, without fear of contradiction, that, except in two or three unimportant cases, there was not a single one in it which was not to be found in some or other of these bills, either in species or in principle. The hon. Baronet opposite said, that the great objection to the bill was its unsettling the qualification for voters in Ireland; but that had been perfectly settled by the decision of ten out of the twelve Irish judges; and though the hon. Member for Dublin had said, that the judges had no jurisdiction in the cases, he apprehended that the House would rather prefer their opinion to the hon. Member's *dictum*. After all, however, that was no insurmountable objection, for it was quite competent for the hon. Baronet to propose a clause in committee on the bill to effect his purpose of a settlement of the qualification. The hon. Baronet, however, would not do so; because he well knew that the House would never consent to grant the qualification sought for in Ireland, namely, "a beneficial interest." Another argument of the hon. Baronet against the bill was founded on the paucity of the constituency of Ireland; he said that there were only 60,000 voters in that country.

Without meaning for a moment to affirm or deny that statement, he would ask, was it a reason for the continuance of abuses? If Ireland required a larger constituency, why did not the hon. Baronet, or some one on his side of the House, get up and propose a definite measure on the subject? Why did they desire to keep fraudulent votes on the registry, for the abuse had been admitted by all parties? If Ireland was to have an increased constituency, she should have it fairly, and not by fraud and perjury. The hon. Baronet objected to the residence of the voter being stated in his claim to register; but how was it possible that the validity of that claim could be decided, or the right of the party to a vote be investigated otherwise, especially where a great number of persons of the same name preferred claims to register? With respect to the petitions presented to the House against this bill, he (Mr. Lefroy) would say one word. He was extremely gratified to perceive that those presented in its favour were equal in number to those against it—but even if the latter had come down to the House in waggon loads, he considered they were not entitled to the slightest weight. They were all got up by the grossest delusion practised on an easily deluded people, and he should not shrink from laying before the House the mode in which they were managed. On the 14th of April, 1840, a resolution was moved at the Corn Exchange, in Dublin, by the hon. Member for that city, and thereafter published. It was to this effect:—

> "Resolved—That it is now admitted, even by Lord Stanley himself, that the object of his bill is the profligate one of destroying the franchise in Ireland, and placing the representation in the hands of the landlords."

[*Cheers.*] Did any hon. Member mean to insinuate by these cheers, that it was admitted by Lord Stanley himself, that the object of the bill before the House was the profligate one of destroying the franchise? The resolution then went on in these words:—

> "Thus repealing for Ireland not only the Reform Act directly, but, by inevitable consequence, the Emancipation Act; and that, under the peculiar manner in which that active and able enemy of Ireland has taken up the subject, it is imperatively necessary that all the Liberal portion of Ireland should, without any delay, rouse itself into legal and constitutional opposition, and prepare and present petitions to Parliament, in the strongest terms consistent with respect, deprecating and denouncing the scorpion attempt to injure and degrade Ireland."

He was quite sure that the House would not now attach any importance to petitions got up under such an unscrupulous system of agitation. And he trusted confidently that neither petition nor argument against the bill would induce the House to stultify itself by rejecting now, in going into Committee, that which they had passed on the second reading.

Lord *Clements* was surprised that the hon. Member should have called upon the House to reject all the petitions against the bill because the hon. Member for Dublin had made a speech. He had presented eighteen petitions, with which that hon. and learned Gentleman had nothing whatever to do. The hon. Gentleman called for the rejection of all petitions against the bill; but were the great meetings in Munster, Connaught, and Leinster to go for nothing because the hon. and learned Member for Dublin had made a speech? He maintained, notwithstanding the denial of the other side of the House, that the bill before them was a landlord's bill—that it disfranchised the people—and that it gave the power over elections to landlords—Tory landlords. They had bred up 40*s*. freeholders, and driven them to vote like cattle, but they disfranchised them when these freeholders thought fit to think and act for themselves. Now they would be glad to have another system, for the abolition of that class of voters was found to cut both ways. The 40*s*. franchise was destroyed by them when Catholic emancipation was granted; and since then there was not a day passed that had not its record of some act of tyranny, cruelty, and persecution on the part of the landlords towards the disfranchised class. In fact, from that period to this, the exterminating principle had been carried to the highest pitch by the Irish landholders. [*A voice*—"Name, name."] He saw no necessity for naming any one. The papers were filled with the acts of the Irish landlords every post. The only fault objected to the Irish registration at present was, that the tenants would not vote with their landlords. It was not bribery or corruption, it was independence which was the great and unforgiven fault. The Irish landlords now took every means to prevent their tenants registering, and the bill of the noble Lord went to exterminate the poorer voters altogether. Instead, however, of the measure under discussion, there should have been one introduced to extend and increase the franchise in Ireland. The people must be upheld against the landlords, and they should have their feelings properly represented in that House. A great deal had been said on the subject of perjury, but was anything better calculated to encourage it than the yearly examination of the qualification proposed in the bill before the House? If, however, there was to be a yearly examination, the House should begin with itself, and he should like to know why hon. Members should not be obliged on the same principle to prove their qualification at the bar of the House once every year at least. He believed that many of them would look very queer if obliged to do so. But, with respect to perjury, he (Lord Clements) believed that what did exist in Ireland in regard of the franchise was attributable to the indiscriminate administration of oaths at fairs and other places, sanctioned, and in some cases enforced, by Tory landlords. He objected to the bill in every particular, and he hoped the House would reject it. He had heard much of the ability of the noble Lord, the originator of it, and he had also heard much of his good intentions. His abilities he did not doubt; but he wished to God the noble Lord would go anywhere but to Ireland on the present occasion to "pave it with his good intentions."

Sir *R. Bateson* observed, that as the noble Lord had said the franchise in Ireland should be extended, he ought, in pursuance of his views, to bring up a clause to make it 5*l.* or 20*s.* instead of 10*l.*, the present amount. The question before the House had been mooted by the other side for the last five years, and three successive law officers of the Crown had brought in bills similar to that now under discussion. There was then no outcry against the reform of the registration. Why was it now? In his opinion the present outcry was raised, not because the principle of the bill was objected to, for that had been admitted by all; but because it was made a party question of by hon. Members at the other side of the House, on the ground that it would injure them if it passed into law. If, then, the principle was unopposed in fact, why not permit the bill to go into Committee? All were agreed that some remedy was necessary, for that the present system was fraught with perjury and deceit. If hon. Members opposite considered the constituency of Ireland too small, why did they not bring forward a specific measure on the subject? It was absurd to argue that perjury and fraud were necessary for the purpose of keeping it up to the present point. The hon. Member for Wicklow said, he believed that perjury and fraud did not exist in Belfast as connected with the registration; but he could corroborate the contrary statements from his own knowledge. Indeed several dead men polled at the last election for that borough. He objected to the present system of registration, because it was a manifest temptation to perjury by permitting claimants to vote, to swear up to their own qualification. The noble Lord opposite had charged the landlords of Ireland with tyranny and cruelty to their tenants; but he denied the charge. The noble Lord had been called on to name a case, but he declined it. He, however, thought that it was but justice to the landlords of Ireland to do so; and in his opinion the noble Lord should not only have named the party, but stated the facts of each case. But, at any rate, he felt bound utterly and wholly to deny the truth of the sweeping allegations of the noble Lord as against that body of Gentlemen. Much stress had been laid on petitions. The House by this time ought to be aware how Liberal petitions were got up in Ireland against this bill. On Easter Sunday there came down an order from the Corn Exchange that every parish priest should get a petition signed in his chapel against it. Some of his hon. Friend's tenants had been asked on the occasion what petition they had signed, and they had replied, "Indeed, Sir, we don't know, but it is something about Mr. O'Connell." The recent Liberal meeting at Belfast as got up with a great deal of tact, and kept so secret, that the requisition was only published on Monday to call all Ulster to the grand meeting on Thursday. That meeting was held with closed doors, and nobody was admitted except by a ticket from the committee. Those of opposite politics had only six days' notice of that meeting, yet they were able to call together another meeting in the open air, comprising much more of the wealth, influence, and respectability of the province, and their petition in favour of the bill was signed by upwards of 10,000 persons in the course of the week. He maintained that the bill was popular in Ireland among the independent peasantry and middle classes, though it might not suit the view of the faction who attempted to decry it, or of the deluded mob whom they influenced to exclaim against it. The public papers in Ireland had lately been filled with language the most abusive against the noble Lord and his bill—language that any man ought to be ashamed of—language that would have disgraced Billingsgate, but Billingsgate would not have used it. He hoped the English Members would perceive that such slanderous and Billingsgate language fitly came from the faction who wished to rule Ireland by intimidation. He hoped, also, that her Majesty's Ministers would not condescend to follow in the train at their heels. He would support the bill because it would give Ireland an independent constituency. It would enable a better class of electors to exist, and who would approach the hustings boldly, not trusting to the protection of the ballot, but fearless and confident in their own honesty, and capable of giving their interest where they pleased.

Mr. *Lynch* would not accept the boon offered in this bill at the price asked for it, which was the disfranchisement of Ireland. He did not defend the present state of the law, but he opposed this bill, which increased all the evils of the present registration system. Under the present system, there were differences between the assistant-barristers, and differences between them and the judges; but the trouble and expense would be increased by this bill, and would occur twice a year throughout the whole electoral body. He called this an electoral agitation of a most exciting character. In addition to the agitation which had prevailed in Ireland for so many years, they were to have, under this bill, this exciting agitation attending the registration. Let him address the landlords of Ireland on the other side, and ask whether it were desirable for their interests, for the security of their estates, and the reception of their rents, that this bill should pass, and this yearly agitation be introduced. The Reform Bill would never work properly till there was a compulsory registration. If he was asked to pass a bill of registration, he should ask what is the franchise? Till the franchise was defined, he would not consent to a bill of registration. The noble Lord would say, he could not mix them up together. But in his bill of 1832 they were mixed up. The measure seemed founded on a supposition that a claimant tendering himself to the registry was asking a favour; whereas he was only claiming to exercise a duty cast upon him by the public. The remedy which the noble Lord proposed to apply would not cure the complaint, but, he feared, would introduce a worse disorder, by sowing the seeds of the annihilation of the elective franchise. Look at the ordeal which the bill required a voter to undergo, and say whether any quiet retired man would venture to offer himself. The bill required that the lives for which the lease was held should be set out in the notice. Why was this, but to invite objection? The Reform Bill required only a description to identify the person. This bill required items to the number of twenty at least, and the objection under the bill might be general, so that it was impossible to say which would be objected to. Why should not the notice be served on the barony constable? [Lord *Stanley* proposed that.] Why should the lives be set out? The landlords knew the existence of the different lives, but the poor tenant might not. Even in England the difficulty of proving a lease for lives was well known. After all, however, the claimant might succeed—he might surmount all difficulties, and the assistant-barrister might put down his name. Was he then secure? No. There was an appeal to the judge of assize; he must employ a solicitor, and the judge might differ from the assistant-barrister, and reverse his decision, and all this trouble and expense would be wasted; and not only so, but the poor claimant would be saddled with the costs. Was ever such a thing heard of before? The bill was also unjust with respect to value, and the more so as compared with Scotland, because in Scotland the value, when once settled, was settled for the whole term of the lease. The effect of the bill would be to raise contests between landlords of counties who would bring up their tenants to the poll, and he that had the longest purse would gain the victory. He objected to the bill also because it would place the assistant-barristers and the judges in a political position, by which they would run the risk of endangering their characters with the public. He admitted that there had been fraudulent voters on the registers in 1832, but he believed that they had been removed by the assistant-barristers, who must have done their duty, or the noble Lord would not continue them by his bill. Believing that the effect of the bill would be to annihilate the popular franchise in Ireland, and to send to that House the mere nominees of the aristocracy and landlords, he should vote for the amendment.

Mr. *Litton* said, there could not be a more mischievous code of election law than that which was now in operation in Ireland, and the necessity for a reform of that law was pressing and imperative. As yet, nothing had been advanced against the principle of the bill which the noble Lord had introduced to effect that desirable object; on the contrary, much had been admitted which went to show that the principle of the bill was right; that a great evil existed; and that a remedy of some kind ought to be applied. Much had been objected to the details of the bill, but that course of opposition would be more correctly taken in Committee. The hon. Member for Galway, as a lawyer, a landlord, and an Irish voter, had been obliged to admit that bribery existed, that immorality was increased by the temptation to perjury which was held out, that fictitious votes were daily received, and that they remained on the registers. But the hon. Member said he would not agree to pass the bill, because it did not define the franchise, which was already and altogether defined. A difference of opinion having arisen upon the construction of the 10th of George 4th, and the 2nd and 3rd of William 4th, at the spring assizes of 1837, the judges were called upon to decide what kind of interest a county voter should have in property to qualify him; whether it should be on his own swearing to the amount of 10*l.*, and next, whether, according to other evidence and his own swearing, it should be such a value as a solvent tenant would give him 10*l.* a year for over and above the rent? The question was argued before the judges by counsel for two days, and the result was, that ten of the judges decided against two—those two being juniors, namely, Mr. Justice Richards and Mr. Justice Perrin—that in order to be admitted on the registry, the person must have such an interest in the property as a good and solvent tenant would give 10*l.* a year for over and above the rent. One judge had thought proper to act in opposition to that decision; but he believed it was the only instance in which any single judge had ventured so to act, being acquainted with the decision of the whole bench. Upon this point, Lord Chief Justice Bushe wrote to Lord Denman, to ask what was the practice and the law of England. The hon. and learned Member might endeavour to make out, upon technical grounds, that the decision was not the law of the land. He should show that such an opinion was untenable. The question which Lord Chief Justice Bushe asked, was to what extent such a resolution of the judges, they not being unanimous, ought to be binding on the minority, and whether the judges in such minority should consider themselves at liberty at ensuing circuits to rule contrary to that decision, or must consider it binding until overruled by a higher authority? In reply to this application, Lord Denman, on the 14th of February, 1838, wrote—

> "When Crown cases are reserved" (and it should be recollected that reserved Crown cases and election cases were exactly similar) "I have no difficulty in stating, that each of us does hold himself so bound, whether or not his own opinion agree with that of the majority, or whether or not the case may have been argued by counsel."

The same opinion was given by Lord Chief Justice Tindal in the case of Frost. The franchise, then, was settled and defined. But what rendered appeal necessary is this state of the law? The judge who had dissented from the decision of his ten brethren had, he was told, now changed his mind. Well, whether he had or not, it did not derogate from his argument; because some of the assistant-barristers appointed by the present Government, whom he could name, having a list of them in his possession, had been acting in direct opposition to the decision of the judges. He would ask the House whether it was fair that those who had a stake in the country should lose their votes under the prevailing system, and be deprived of all chance of appeal. He did not wish to trouble the House with any detailed reference to proofs, but he wished that hon. Members would have the goodness to turn to page 13 of the 8th volume of the second part of the reports of commissioners on the subject of assistant-barristers, and they would there see, as well from the evidence of Mr. Courtenay as from other portions of those reports, and the accompanying evidence, that the positions for which he had been contending were fully borne out by the facts. He demanded a right of appeal, and with less they ought not to be satisfied. He would say, let the country have such a tribunal as would give them something like a chance of justice. It appeared to him most important that in such a discussion as that in which the House was then engaged they ought to look at the opinions of that class of official persons whose sentiments were of the very highest importance, for upon their views a great deal depended: the class to whom he alluded were the assistant-barristers. He was in possession of two private letters which left not a shadow of doubt upon his mind that the assistant-barristers had come to the determination of not being bound by the decisions of the judges; he was not putting hypothetical cases, but referring to ascertained facts. Looking, then, at the whole measure, he would ask, was he to be told that the bill was onerous? Was he to be told that they were to have no revision because the bill was burdensome and costly? When ten of the twelve judges decided the question, and held at the same time that their decision bound the whole number, Mr. Woulfe, being then the Attorney-general for Ireland, brought in his bill for registration; would the House believe, that after a Government bill had so been introduced—a bill which professed to explain doubts, and which was a declaratory measure—that such a bill did, in fact, enact that which contravened the decision of the judges, and that it went to declare that to be law which the judges had said not to be law? In the present state of things, the Government would give them nothing unless they agreed to pass a bill that would in effect repeal the Reform Act. The noble Lord the Chief Secretary for Ireland appeared to think that the people of Ireland were exceedingly grateful for the peculiar provisions under which they at present held the elective franchise, and for the purpose of rewarding that sentiment, the Government proposed to keep the franchise in a corrupt condition. The noble Lord appeared to rely, not only upon popular gratitude, but upon the general support of the people of Ireland. He could tell the noble Lord that he enjoyed nothing like the support of the people of Ireland—he enjoyed no support from the wealth, the intelligence, or the independence of Ireland. Hon. Members would find notice given of a continuation of motions to effect the same purpose as the present, and he wished to know from the Government whether, if they were beaten on this, it was their intention to follow the hon. and learned Member for Dublin in the various motions of which he had given notice, so as to protract the division on the bill; and also whether it were their intention to encourage him in that which he had sought to set forward in Ireland—he meant agitation for repeal? He could tell gentlemen, both in this House and out of it, that they had nothing to fear from that agitation. Even old women in Ireland saw that that agitation was set up as a pecuniary speculation. The agitation in Ireland against this bill was an utter failure. The Leinster meeting was a failure; there were not ten respectable persons at it. The feeling in Ireland was quite the other way. Then he would ask the Government whether they would persist in opposing this bill, the object of which was to prevent perjury and crime, which course must tend to the demoralization of Ireland and the destruction of the best interests of that country?

Lord *J. Russell* said: It has frequently been my fortune to resist in this House motions which, as I contended, had the obvious tendency of unsettling the Reform Act, and disturbing the franchise thereby given; but I must declare that of all the motions which went to unsettle and oppose the principle of the Reform Act, this is the most formidable which I have ever encountered. And, Sir, I say this because I think that, with regard to other propositions, they have had generally this argument in their favour, that they partook of the general spirit of the Reform Bill—that they were in favour of a large and extended franchise, and were meant to secure this object, that the votes which had been given to the people of the United Kingdom should obtain for them a full and fair representation in this House. Therefore, so far as they were invested with this character, there was some excuse and colour for the claim which they put forward to be considered as consonant with the spirit of the Reform Act. But the proposition now before us begins a retrograde course, in order to diminish, restrict, and abridge the franchise of a portion of one part of this United Kingdom; and this shows that hereafter all your endeavours—that hereafter the aim of your legislation will be to take back the franchise which they have obtained at your hands—to make its acquisition more difficult—to consider a man who asks for the franchise as a public enemy, and at first, by slow degrees, but eventually to diminish and destroy those franchises which the Reform Act, as I contend, so liberally bestowed. Sir, it gives me little satisfaction in this alarm that it refers to one portion of the United Kingdom; for I have seen evils connected with the franchise arising on every side, which demanded the aid of legislation, many of which have attracted the attention of Government, as shown by the various measures which they proposed to this House, and some of which they have carried to the upper House of Parliament. Why, Sir, we all know that there is practised in our boroughs bribery and treating to the greatest extent. The hon. and learned Gentleman who speaks with such horror of perjury, and says it would become us to consider the evils which would result from it in Ireland, must know that an instance has lately occurred in one of our own boroughs, where a person put the bribery oath to a man whom he had himself attempted to corrupt, and who he knew could not take it with a safe conscience. There are other evils—the annual registration in England—the difficulties which the claimant has to contend with in Scotland, and the attempts which have been made in the three kingdoms at oppression and intimidation. To which of all these evils has the noble Lord (the author of the Bill) and the party opposite directed their attention? To which of them has he offered to apply a sufficient remedy? To none whatever. Not a single one of all these does he touch. But when he can get instances of immorality and perjury, on which he may ground a bill for crushing and abridging the franchise, then, and then only, is he ready to visit with punishment and penalties the objects of his wrath, and that alone is the evil which the party opposite deem worthy of their own peculiar legislation. Sir, I must state, before I enter on the consideration of this bill—viewing it, as I have already said, as a bill introduced with a far more general object than has been hitherto attributed to it—feeling, as I do, that it is the commencement of a series of attacks, and brought in not solely, as hon. Gentlemen connected with Ireland have naturally contended, for the purpose of depriving a great portion of the people of Ireland of the exercise of their franchise, but tending in the end to abridge and destroy the elective franchise of the three kingdoms—considering it, I say, in this view, and that it is an attempt made with great skill and policy (because it is not very difficult to raise a prejudice on Irish subjects, which could not be played off so successfully if attempted with regard to this country), to circumscribe the enjoyment of popular rights—I wish first to call the attention of the House to what at present is the law with regard to registration in English counties, and the amendments in it which I proposed last year, and which I have now again submitted in the bill which I have obtained leave to bring in. In England, the freeholder has nothing more to do than give notice of his claim. The proper officers take charge of that claim, and when the revising barrister appears, he has no power to enter into the question of any man's claim or title—to force either the claimant or the objector to go into the merits of the case; and even though objection is made to the freeholder, he is placed on the registry, and votes for that year. Not only this, but he is subject to no further question if not objected to. In the following year, however, and the year following that, he may be again and again objected to. I have proposed a remedy for what I think the vexatious nature of that kind of objection—namely, that if the voter shall be objected to, or shall choose to prove his title at the commencement, that vote shall remain on the registry, and the claimant shall not be questioned as to the value of his qualification, unless a change of circumstances take place, and so vary the nature of his holding. Therefore, what I propose gives an additional security to the freeholder's right; but he has already one advantage, namely, that he does not produce his deeds or title when he first makes his claim. Now, what does the noble Lord propose with regard to Ireland? As the law is at present difficult and vexatious for the freeholder in preferring his claim, the noble Lord proposes to make no alteration as to the necessity of his establishing his title; and he makes the means of his doing so far more difficult, complex, and intricate than they are at present, especially with regard to persons many of whom you say are unlettered. But leaving them the disadvantages which they have at present, does he leave them the advantage which they now enjoy—that having proved their title, having made out to the satisfaction of the barrister that they are legal voters, they should continue in undisturbed possession of their rights for eight years? By no means. He then comes upon the voter with all the vexations of the English system. He attacks the freeholder both ways. He leaves him subject to the disadvantage where it exists by law, and where it does not exist by law he invents it for him; and thus heaps on his head a double wrong. Let me ask, is this, or is it not, the system which is to be proposed for England? Is it intended to have the system, as it is amended, as I propose, or to adopt this plan of the noble Lord? Will you make the freeholder of England, in the first place, produce his title and make good his claim, and, in the second place, expose his right to be questioned the next year and the year after, and then (because that is another part of the bill of the noble Lord) give an appeal against him to the judge of assize? Do you really intend this plan to be carried into operation with regard to the English freeholder? I should like to know what your answer, with regard to that question, is. But I own I shall not be satisfied with either of the alternatives which it challenges. If the noble Lord says, he does not mean to apply it to England, I say then you are introducing an unjust system, which is a departure from all the principles of equality which you formerly maintained with such vehemence. But, if you tell me you mean to render the two systems identical, then I give the people of England warning that this bill concerns more than the registration of Ireland, and the prosecution of the fraud which has been brought before the public; for it is a plan, as I have already declared, for the purpose of abridging the franchise of the whole people of the United Kingdom. There are some very remarkable things with regard to this bill, and I wish to call the attention of the House (for I shall not trouble it with an attempt to answer the details of the hon. and learned Gentleman who spoke last, and which I leave to be replied to by some one better acquainted with them than I am) to two points, namely, the declarations made to Parliament on two memorable occasions. One was on the passing of the Catholic Emancipation Act of 1829, and the other on the Reform Bill of 1832. These were great and important measures, attracting the attention of Parliament and of the country more than any measures which have passed for a long time and, consequently, there should be a greater weight attached to the declarations of those concerned in such measures, and which are to be found in the Parliamentary Debates of that period. Now, Sir, in 1829, the right hon. Member for Tamworth brought forward two measures, one of a large concession to the Roman Catholics, with regard both to offices and seats in Parliament; the other a measure of disfranchisement and disqualification. But even with regard to the measure of disfranchisement and disqualification, the right hon. Gentleman was very careful in endeavouring to show the House that what he really wished was the establishment of an independent and respectable yeomanry in Ireland, and that he would not deprive those who might claim under his bill (although he disfranchised about 200,000 of those who previously had the right of voting) of every fair means of establishing their claim. Now the right hon. Gentleman stated that the advantage, or rather security, which he conferred on the freeholder was, that he could not be rejected except by the assistant-barrister. It was objected (and the right hon. Gentleman foresaw the objection) that revising barristers appointed by the Crown might oppose the acquisition of the franchise. Accordingly he said,

> "The bill will provide, I trust, an effectual check upon any possible abuse of power, by giving, in every case, the right of appeal to the freeholder, whether his claim to register be rejected by the assistant-barrister upon the ground of defective title to the freehold, or of its insufficient value. On the question of title, the appeal will be given to the judge of assize. On the question of fact, namely, the amount of value of the freehold, the freeholder will have a right to appeal to a jury."

On a subsequent occasion, in a debate with regard to the details of the measure, when it was suggested that an assistant-barrister might have too great influence on a jury *de circumstantibus* to leave the question of fact safely in the hands of such a tribunal, the right hon. Gentleman said, "I mean to leave the question of law to the judge of assize, and of fact to the jury." Now, then, I do consider that a solemn declaration of that kind, made at a moment of severity, when you were disfranchising a great portion of the people—that they to whom the right was given should have the power, first of claiming it fairly before the assistant-barrister, and in case of rejection should have an appeal to the judge of assize on the law, and a jury with regard to the fact ought not to be heedlessly forgotten. It must be confessed that a popular spirit was evident in the provisions of that bill, and therefore I, for one, though I determined before the Session began to oppose it, do not regret the support I then gave it. But what does the noble Lord's bill? By the 31st clause he gives an appeal to the judge of assize, "save that no jury should be empannelled on such appeal. Now, by these few words he destroys that security given by the right hon. Gentleman—he violates the solemn declaration made by Parliament—and he shows in this instance, and in others, that with regard to that popular body, a jury, he has no confidence in them. The question, then, is to be referred to the judge. And here comes the other question which has been argued by the hon. and learned Gentleman who spoke last, as to the franchise, which he insists is now settled. Now, let the House observe what were the declarations made when this bill was brought in. We were then told, that this bill contained no provision whatever as to the franchise, and that it was not intended to legislate on the subject. But what does the hon. and learned Gentleman say? I am not now questioning his law, which may be doubted by others, but he maintains that the opinion of ten out of the twelve judges must be taken as the judgment of the whole, and that this decision must be looked upon as settled law. Now the bill of the noble Lord says, that if the assistant barrister should decide one way or the other, the judge is to decide in either case. By this bill you will give the judges the power of deciding in every case of franchise. It is proposed that you are to go from the revising barrister to the judge, and the judge is to decide upon the question. Then I say if you do that you might as well—and it would be by far the more fair and direct course so to do—I say you might as well put a clause in the bill at once stating what the franchise shall be; placing upon it what limits you please, restricting it as much as you may think proper, instead of pretending not to decide upon a question which you really and virtually do decide upon in an indirect manner. The hon. and learned Gentleman who spoke last was right in a declaration he made in the course of his speech, for you would have no consequence resulting from such a system but this; supposing the judges to act upon the opinion of the majority—that in every case submitted to them you would get a decision founded upon the opinion that has been already declared. In that manner the franchise would be settled. I beg to call the attention of the noble Lord and of the House to a declaration made at the time of the passing of the Reform Bill. It was a declaration made in the House of Lords by the Duke of Richmond, and by the Marquess of Lansdowne, who at that time formed part of the Government of Lord Grey. They said, that the oath which was contained in the act of 1829 was to be altered, namely, those words relating to the question of a solvent person offering 10*l*. over the rent. It was declared that part of the oath should be omitted, and that thereby a clearer and more distinct meaning should be given to the franchise. We have several times proposed, in conformity with that declaration by the Duke of Richmond and the Marquess of Lansdowne on that occasion, to introduce into a bill for the registration of voters in Ireland, certain words with respect to the value of the franchise. The noble Lord does not propose any such thing. He does not propose as I think he ought to do, in conformity with the opinion of the ten judges, any clause settling that point. He leaves that entirely out of his bill. But the noble Lord does this—he leaves it perfectly certain that if this bill passes, the opinion already expressed by the ten judges will be the interpretation put upon the franchise, and that every assistant barrister who acted upon a different view of the law, according to the opinion expressed by Mr. Baron Richards, would find his opinion overruled. And here I must be permitted to say, in spite of all that has been advanced by the hon. and learned Gentleman opposite, though I can give no opinion as to what is the proper interpretation of the law, that I think Mr. Baron Richards should have been treated with a little more respect than the hon. and learned Gentleman has thought proper to treat him with. It should be conceded, that at least, this is a question of doubt, and being a question of doubt, I declare that I should vastly prefer having a bill to settle the franchise according to the opinion declared by Members of Lord Grey's Cabinet at the time of the Reform Bill, to agreeing to a measure which covertly, indirectly, and secretly, but certainly and surely, oversets that declaration and violates the franchise. The words proposed to be inserted by the present Master of the Rolls in the bill he brought in, were to the effect, that the beneficial interest of the tenant was to be calculated after the deduction of the tithe compensation, and not according to the rent a solvent tenant could afford to pay. I say then if you are to legislate finally on this subject, you cannot do so without some bill which shall clear up those doubts with regard to the franchise which now exist. And I should say that you ought to clear them up, by declaring that that which is the larger and more extensive interpretation shall be adopted, and not by endeavouring to restrict it. Above all, you should clear them up not by giving power to the judges. I object to this power to be given to the judges—a power which, as it appears to me, is to be a supreme power over Parliament, and especially over the House of Commons. The hon. and learned Gentleman who spoke last, stated, to my great surprise, that appeal was "always given to the judges." Always given to the judges! Why, Sir, this House, more than a century ago, expressed their indignation that a court of judges, at the head of whom was no less a man than Lord Holt, gave an opinion with respect to the right of a person to vote for Members of the House of Commons, and this House then declared that they were themselves the sole judges of the right of persons to vote for Members of Parliament. Yet after this the hon. and learned Gentleman asserts that not this House, not a Committee of this House, but the judges are, and always have been, a court of appeal with respect to the right of voting. Sir, it is a difficult matter to say how far a register which is once made, and which has been revised by a competent authority, should be again examined and revised by a committee of this House. I think, with respect to many points, it should be revised; but of this I am clear, that if you propose to give this power generally to the judges in the courts of law, you will find before long that their interpretations are so restrictive of the franchise, such modes of refining upon former decisions, of advancing by slow degrees to exclude claimants, that you will have narrowed the body in which the franchise is vested—for that appears to me to have been the course of legal decisions—that you will have destroyed the spirit of the Reform Bill, and that the power of the people will be gone. The provisions of this bill, as they were stated by the noble Lord opposite on a former occasion, consist first, of the necessity for an annual court of revision, second, the necessity of an appeal to the judges; and, third, the necessity for excluding the appeal to a Committee of the House of Commons. With respect to the first point, I think I have shown that the necessity of appearing annually, even after the vote has been established before one competent authority, is a great vexation and mischief. I have proposed so far as regards England, that you should not continue the existence of that grievance and vexation. In England the registration is carried on in this way—either wealthy individuals or associations combine together and pay large sums for registration. They succeed, perhaps, but only by the assurance that the expense of defending the votes shall be paid. The system, however, is most expensive, and I ask if you think that it will be more easily borne in Ireland than in England—that that which is felt to be burthensome and difficult in operation in this country will be better suited to the circumstances and condition of Ireland—that a vexation you conceive to be hardly tolerable in England can be better borne by the people of Ireland. But you even go further—you make the system worse for Ireland than it is in England. And here I beg the attention of the noble Lord opposite while I observe, that as the law stands in England, the revising barristers may sit in various places, and if they observe that in a particular spot there are a great number of voters objected to, they can proceed there and decide upon the objections. I mentioned an instance of this kind the other day which occurred at Saddleworth. The barrister did not intend to go there, but observing a long list of objections he gave notice of his intention to proceed to that place and hold a court. The consequence was, as I mentioned before, that the objections were withdrawn. The power given by the noble Lord is this. The right hon. Gentleman in his bill of 1829 gave power to the Lord-lieutenant to collect assistant barristers who were to go into certain places where they might hold their courts. The noble Lord gives to the Lord-lieutenant no such power. He gives him, indeed, a nominal power, for he may comply with a requisition or request made by certain magistrates. Now, if the poor freeholders who wished their case to be tried within a few miles from their own dwellings, applied to the Lord-lieutenant, he must say, "I have no power; you must go to the magistrates." But I can easily suppose a case where the magistrate might say, "We have no interest in getting these men upon the register—we will make no requisition to the Lord-lieutenant." In that case the noble Lord leaves these persons to travel ten or twenty miles to seek their remedy. I believe that would be the case; therefore the noble Lord, in every instance, by his bill, not only fixes every vexation growing out of the English system upon the Irish people, but he actually inflicts upon them something more—some additional difficulty and vexation—in order to show that whatever we have in this country that is objectionable and mischievous, the noble Lord is perfectly ready to impart a fair share of that, at least, to the people of Ireland. Well, the next step is that the voter, having gone ten or twenty miles to establish his vote before the revising barrister—who is so ignorant a person as the hon. and learned Gentleman opposite has been pleased to say—goes on to the assizes, which, in all probability, are held many miles from his dwelling. I remember that in 1829, Lord Farnham objected to the power which was given of sending the poor freeholder to the assize town, saying, that it would cost him half the value of his freehold to go there; that he would be involved in the expense of paying witnesses, &c., and that, after all, his efforts, might be nugatory, his landlord declaring he did not wish him to be placed upon the register. Thus, having surmounted all the difficulties and dangers of the revising barrister's court, having given up the care of his farm to others whilst he is engaged in proving his claims, he may at last say, "I can stand this no longer if I am to be put to such trouble and expense. I did not know that asking for my vote was such a criminal proceeding. I cannot, and will not go to the assize town." Thus the opposers may triumph as they please. Under these difficulties, and with a full understanding of his position—the hon. and learned Gentleman says he don't understand it now—but by that time the voter will well understand it. Under those difficulties, I say, the voter will surrender his claim, many will follow his example, and thus the great object of this measure — that of diminishing, reducing, and almost nullifying the effect of the Reform Bill—will be attained. We are told that the mass of the people of Ireland are for this bill—that all the wealth, character, respectability, and intelligence of that country are for it. Yet the hon. and learned Member for Dublin, by some magic art, imposes upon the people what is contrary to their own intelligence and interest. Sir, I believe that there are associations in Ireland—there is the Conservative Association, for example. It was in their power to explain this bill to the people—to tell them its purport and design. I think they pay a very extraordinary compliment to the hon. and learned Gentleman when they say that any representation of his would be at once believed, whilst anything to the contrary that they might advance would meet with no credit. There may be some truth in that, because the people of Ireland believe that that hon. and learned Gentleman, whatever his course may be, is animated by a sincere love towards them. You may depend upon it, that the influence of that hon. and learned Gentleman, which I certainly at many times have thought excessive, which at times I have thought dangerous; you may, I say, be assured, that that influence is founded more than anything upon the belief, that you who have the property and influence, form a party determined to diminish the rights, franchises, and privileges of the people of Ireland, and that that hon. and learned Gentleman will stand forward in defence of them. Have not the Irish people seen at other times that there has been cause for such a belief? Have they not seen it with respect to the Roman Catholic question? Did we not see that those who declared the greatest hostility to the concession of the Roman Catholic claims yielded their opinions at last, not to the eloquence of Pitt or of Burke, of Fox or of Canning—not to the oratory of Plunket, but they did yield before the power and the influence which the hon. and learned Gentleman had acquired in Ireland. Is it wonderful that there should be this belief in the representations of the hon. and learned Gentleman? Is it wonderful there should be a distrust of you? Therefore, if you wish that Ireland should remain tranquil—if you wish that discord should not prevail over peace and good order, your course will be not to introduce measures of this kind, but to introduce the fair administration of equal laws in that country, and not attempt to rouse the people again upon questions of this exciting nature. The time has not long passed away when you opposed their franchise. It would be well they should forget those days; and, therefore, the better course to pursue, if you mean to have influence in Ireland, is to abstain, for the present, from measures of this nature, and rest satisfied with that tranquillity and that peace which the maintenance of quiet, and the gradual progress of wealth and improvement will infallibly obtain. An hon. Member seems to doubt my position, but I have with me the hon. and learned Gentleman who spoke last. He told us this was a repeal agitation. I remember when that agitation was thought formidable, and when Lord Althorp said he was ready to encounter a civil war rather than concede repeal. Did Lord Althorp make that declaration at a time when repeal was not to be feared—when there was nothing formidable in the word? On the contrary, he gave it forth as the strongest declaration that a Minister of the Crown could make, when surrounded by the perils of a repeal agitation. Opposing repeal, as I do, I feel entirely at my ease at present with respect to the success of this agitation. I feel at my ease on that account. I believe that the administration of Ireland for some years past has induced the people of that country to think that the Government will give them fair, equal, and impartial justice. That people are as easily governed as any on the face of the globe, and I believe they are ready rather to trust to the benefits they now derive from that administration, although they may not at present have perfect equality with respect to law, than hazard the dangers and perils of a repeal. That, Sir, I believe to be the state of things now. But let this bill pass. Show that you are determined, step by step, to take away the franchise from the people of Ireland, to disable them from sending Roman Catholics as Members of this House; obtain that supremacy if you can which you have not had for many years; indulge in the triumph which the minority would then indulge in over the majority; insult, vilify, and abuse the Roman Catholics; tell them that the people are ignorant, degraded, and priest-ridden, and speak of those priests in a tone of contumely and contempt; do all this, and you will have done more for repeal than anything the hon. and learned Gentleman has been able to effect by his speeches upon this subject. I have stated my opinion with regard to this bill, both as it would affect the general subject of registration, and as it would affect the tranquillity of Ireland. I now beg to state—having already, in the course of the last Session, declared my opinion that the whole course of registration ought to be revised—that I retain that opinion, and that my hon. and learned Friend will redeem the pledge which I made some time ago, of revising the whole system of registration, and that he will introduce a bill with regard to the registration in Ireland, following as closely as possible the system adopted in England. I consider the system of registration to be adopted in either country as a matter of the utmost importance. I believe that you may construct your system of registration in such a way as to give no trouble in the proof of a vote, and great security in the maintenance of the *bonâ fide* elector. On the other hand, I believe that you may construct it in such a way as to give the greatest vexation to the voter, and to diminish in a material degree the constituent body. Therefore this subject has occupied a great deal of the attention and consideration of the Government. In former years we were content to propose such measures only as we thought would be acceptable to the other House of Parliament; adopting many things to which we might reasonably have objected, and forbearing from pressing anything that we thought would be decidedly obnoxious to the other branch of the Legislature. I think that the better course now will be to propose as complete a system of registration as possible, with regard alike to England, Scotland, and Ireland. With regard to Ireland, there certainly is at present a very considerable defect in the mode of striking voters off the register. And although I think there ought to be a perfect security for the *bonâ fide* voter, yet we ought to prevent such abuses as the hon. Gentleman has mentioned—such as the votes of dead persons being received at elections, and to meet the cases of such persons as have parted with a part or the whole of their franchise. I am of opinion that there should exist the means of revising the register at certain periods; but that period, I think, should not be more frequent than every three years. I conceive that, with regard to the barristers, the power should be left as at present, and that there should not be an appeal to the judges. But I think, in order to complete the system, it would be necessary to introduce two bills; one with regard to registration, containing the principles I have mentioned; and the other with respect to the franchise. With regard to the perjury and fraud that have been so much complained of by the hon. Gentleman opposite, I think, supposing it to be true to the extent stated, that nine-tenths of them have arisen from there being at present no satisfactory test of the franchise. The validity or non-validity of the qualification has been entirely a matter of opinion. The claimant says that he thinks his property is worth 10*l.* a-year over and above all charges that may be made upon it. Some person on the other side says he thinks it is not worth so much, and it is merely upon these adverse declarations that the revising barrister has to decide. One of the objects of the measure which we propose to introduce will be to define the value of the property in respect of which the claim is made, and to establish a certain test of the validity of the franchise. But the noble Lord has taken an entirely opposite course: he has omitted these, which are the valuable parts of the bill which we brought in, and adopted others which were introduced as matters of detail in the measure submitted to the House by Sir Michael O'Loghlen and Mr. Sergeant Woulfe, and to which, because the measure was so submitted, he says, we, the Government, are bound. I hold myself bound to no such details. It would be quite sufficient to say, that the bill of the noble Lord leaves out the whole of that which was the most valuable part of our measure; but I may add, that I think the measure, as originally introduced, did contain many objectionable provisions which I should not again be ready to submit to the House; and the noble Lord has no more right to ask me to be bound by the provisions of that measure, than he has to bring forward again his own Arms Bill, and to declare, that as it was a measure of Lord Grey's Government, of which I was a Member, therefore, I am bound to that also. Among the many measures that the Government may feel it their duty to introduce, there may be some which upon consideration, or upon objections being stated, they may determine to withdraw, and not to introduce again in the same shape. I say that it is not only in the power, but that it is the duty of a Government so to do. But for any Member of this House to introduce such a Bill, and to say to the Government, "Because in some former Session you were in favour of this Bill, therefore you are bound to vote for it now," is about as inconclusive a way of reasoning upon a political matter as I ever heard adopted by any one. It is exceedingly good by way of taunt, and the noble Lord, in the course of his speeches in this House, and other hon. Members, although they have not adopted that course to-night, have not failed on former occasions to revert to it as a means of assailing the Government in reference to some of the provisions of this Bill. I say, in the first place, that this Bill is not similar to the measures which we have introduced upon this subject—that it does not contain what was most valuable in those measures. I say, in the next place, that what it does contain of those measures I feel to be objectionable; but, above all, I say that the noble Lord has compounded with that which was wholesome food so much poisonous matter of his own introduction, that I must reject the whole concoction, and that I shall, most heartily and sincerely, give my vote against his Bill, being convinced not only that it is mischievous, but that the cause of good and pure registration will be best served by its rejection.

Lord *Stanley* admitted, there was no course more usual in Parliamentary practice, than to suffer a Bill upon its second reading to pass by general consent, and, subsequently, take the discussion on its principle, on the succeeding question, that the Speaker do leave the chair; but it was at least unusual, after a Bill had been the subject of two nights' debate in a very full House—after its principle, notwithstanding the strenuous resistance of a Government, had been asserted by no inconsiderable majority—it was unusual, to say the least of it, again to renew the discussion of the principle of the same measure, and call upon the House to repudiate the decision to which they had come upon a former occasion. But he did not complain of the course which had been taken; he would shrink from no discussion, either of the principle or details of this bill. Least of all, did he complain of the manner or the speech, in which the hon. Member for Drogheda had introduced his opposition to it. It was a steady, straightforward, frank, manly opposition to the bill and the whole bill; it was no endeavour to get off by shuffling it into committees, that were never intended to report, or introducing counter bills which were never intended to be proceeded with. It was an honest, straightforward demand of the House to rescind the resolution to which it had come one little month ago, and leave the evils, great, enormous, unrefuted, undeniable as they were, without a remedy—frankly to tell the people of England and Ireland that they could offer nothing, that they could give no remedy, but the bill which proposed to remedy these abuses, and which, by the confession of hon. Gentlemen opposite—by the confession of the hon. and learned Member for Galway—did remedy these abuses should be rejected without the discussion of its details, and altogether repudiated in principle, because it would be effectual in removing evils, gross, undenied, and undeniable. He thanked the hon. Baronet for the manner in which he had met the present motion, and he rejoiced in the plain broad issue which he had proposed to the House, and the people of England and Ireland. It now, therefore, became necessary for him, having been again drawn into a discussion of the principle of this bill, with as little circumlocution, and also with as little heat as, under the circumstances, was possible, to refer to the leading objections which had been raised against it, and remove them, as far as he could, by fair and legitimate argument. In the course he had taken on this bill, he had on both occasions, when compelled to address the House, distinctly, and he thought successfully, abstained from any one single word which was calculated to create heat or violence of debate. On the last occasion, the noble Lord, the Secretary for Ireland, did him the honour of saying, that not a single word had been uttered by him of which the House could complain; whether he had been met in the same spirit, whether he had been encountered by fair argument alone, whether prejudice had not been sought to be created against him by personal abuse and vituperation, he would leave the House to decide. Ever since the last stage of the bill, he had been personally the object of the most violent and unsparing abuse on the part of the learned Member for Dublin, in every address he had made to the people of Ireland. Of that abuse, he would say nothing more than that he was sure there was no Gentleman in that House who expected he should pay to it the slightest attention. But there were some of the statements made by the learned Member for Dublin, as the ground for rejecting this bill, which contained misrepresentations of the facts so gross and so palpable, that it was impossible he should pass them by without animadversion in that House, the only place in which the hon. and learned Member and he were likely to meet in discussion. The main objections raised to the bill were, in the first place, that the franchise of Ireland was unduly restricted by the Reform Bill, as compared with England; that by the present bill it would be still more restricted (the points chiefly restrictive of the franchise being annual registration, appeal to the judge both ways, the granting of costs); and the last objection was, that he did not include in this bill any definition whatever with regard to the franchise. These, fairly stated, were the main grounds of opposition to the bill, and he now proceeded to deal with the first of them—namely, the allegation of the restricted franchise conferred by the Reform Bill on Ireland, as compared with England. Here were three sentences of a report signed by Daniel O'Connell, as chairman of the committee, comparing the state of the franchise, and laying the basis of his whole opposition to this measure.

"That by the Scotch Reform Bill, the Scotch people obtained extended electoral rights, and lost none; 2dly, that by the English Reform Bill, the people of England obtained several additional Parliamentary franchises, and lost none; 3dly, that by the Irish Reform Bill, the Irish people obtained only one additional franchise, and lost several."

These were the three statements made by the learned Gentleman. The noble Lord who had just sat down had informed the House, that of all the assaults which had been made on the Reform Bill, and which it had been his painful duty to resist at various times, this was the most formidable—perhaps it might be formidable in another sense; but the noble Lord had represented it as a formidable violation of the Reform Bill, the more so, being considered as a retrograde measure, restricting and withdrawing the franchise conferred by that bill. On that point he was ready to join issue with the noble Lord, who, while he talked of the integrity of the Reform Bill, spoke also of the annual vexation of registration, although he, as a member of Lord Grey's government, had been led to believe the registration a very important part of the English Reform Bill; but he thought he could point the noble Lord's attention to a bill, at least as formidable an irruption on the integrity of the franchise, as conferred by the Reform Bill. He held in his hand a bill, purporting to be a bill to ascertain and define the right of voting for Members of Parliament in Scotland. It consisted of only eleven clauses; and, excluding the two formal clauses at the end, as to former acts in force, and the alteration or repeal of the act itself, every other clause was a clause of absolute disfranchisement of rights conferred by the provisions of the Reform Bill. For instance,

"No person shall be registered in any county in Scotland, unless he be resident; borough electors, not resident, must have shops within the burgh; life-rent, other than by inheritance, not a qualification. No person shall vote as a joint tenant, unless he has a particular interest —owners to be infeft. No person entitled to be registered, unless in possession of lands, &c., of the value of 10*l*. previous to the last day of July."

So much for vested interests. He was not saying whether these were wise provisions or not. To some of them he should be disposed to accede—to others he should offer the most determined resistance; but certainly it was singular that this bill, consisting entirely of clauses of extensive disfranchisement, should bear on the back of it the names of the Lord-Advocate, Mr. Fox Maule, and Lord J. Russell. But now as to the assertions of the learned Member for Dublin. He would not quibble with him as to the Scotch Reform Bill? he would admit that a very large addition had been made to the constituency, and numerous rights added, which did not before exist; and though, strictly speaking, the learned Gentleman was not warranted in saying that no franchise was taken away, inasmuch as the entire former system had been swept away, yet he was ready to admit that no franchise, in a popular sense, had been taken away. "England," said the learned Gentleman, "gained several additional Parliamentary franchises, and lost none." England lost none! He asked the learned Gentleman who stated this to the people of Ireland, who was considered by the noble Lord as so safe a guide, so infallible a monitor, a leader whom the Irish might safely follow on all occasions, without any danger of being misled—he asked the learned Member, what had become, in England, of the non-resident freemen? What had become of the 40*s.* annuitants in counties? What had become of the scot and lot voters—of the burgage tenures—of the pot-wallopers—of the resident inhabitants, without any other qualification whatever? These six or seven franchises had been swept away in England by the Reform Bill, and yet the learned Gentleman told the people in Dublin, that the English people had lost no single franchise. What did Ireland lose by the Reform Bill? Like England, she lost the 40*s.* freeholders, with a saving of the existing rights in counties of cities, and counties of towns. When that proposition was made in 1829, the learned Gentleman did not oppose it. These were the hon. and learned Gentleman's words in 1831—

> "I approve of the plan laid down for the counties, because it affords a prospect of forming a better class of voters of the 10*l.* qualification now fixed as the point of exclusion, being of opinion that a freeholder, under that sum, should not be entitled to vote."

He knew the next year the learned Member altogether changed his mind; in 1832, he unsaid what he had said in 1831; but, with all respect to the noble Lord, he must say, these sudden changes did not confirm the noble Lord's opinion of the safety and infallibility of the learned Gentleman's guidance for Ireland. But, with respect to the loss by Ireland under the Reform Bill, he admitted she lost with England the 40*s.* voters, the pot-wallopers, and in two or three towns, 5*l.* householders; but he challenged the learned Gentleman to tell him what other franchise had been taken away in Ireland by the Reform Bill. And when the hon. and learned Gentleman said, that Ireland had gained but one franchise under the Reform Bill, he asked him whether he meant by that one franchise, the leasehold franchise in counties, which was granted to a larger extent and in an easier form than in England, as he had before proved, and the learned Gentleman had not ventured to deny; or did he mean the household franchise in towns, which was given to Ireland as widely and as fully as to England? So much, then, as to the restricted franchise of the Reform Act—the alleged basis of the learned Gentleman's opposition to this bill. But the question was not whether the evils against which this bill was directed existed or not; the question was, whether any remedy should be applied? Was it disputed that those evils existed? that the county lists were overloaded with fictitious voters, and with the names of persons whose qualifications had ceased? Why, it was proved by the hon. Member for Belfast. It was stated by that hon. Member, that "in Dublin there was at this moment a nominal constituency of 18,000 persons on the register, but that it was not a *bonâ fide* constituency, for the real constituency did not exceed 9,000. In the county of Dublin there were on the books upwards of 4,000 persons, while the net constituency did not exceed 2,900; in Longford county, there were 2,900 persons on the books, and the *bona fide* constituency did not exceed 1,400; in the city of Waterford, there were 2,654 persons on the books, but that the ascertained casualties and renewals made up no less an amount than 1,506, and that the *bona fide* constituency of Waterford city did not exceed 1,148." Not only was this the case, but it must continue to be the case so long as voters could be put on the lists, and could not by any process be struck off; so long as it was permitted that a man, by the mere production of a certificate and taking an oath, should be enabled to vote at elections—so long as no power existed to strike off voters, though they might be dead—so long as a system of abuse and fraud was suffered to exist—so long as a temptation to perjury was held out, by enabling persons to vote who falsely personated others so long as one man might register half-a-dozen times, and hold by himself and friends half-a-dozen certificates. If he were challenged to the proof of his assertion, he would state one or two instances which came within his own knowledge. He had received a letter from Mr. Hamilton, of Roundwood, in Queen's County, stating that two persons were registered in October, 1832, and voted at the election immediately following. They held their farms for the life of Mr. C. White, a magistrate of that county, who died in 1833. At the election, which occurred in December, 1834, these same two persons, though cautioned that they were about to commit perjury, voted against Mr. Vesey, taking the prescribed oaths. He had also a letter from a gentleman, who for a short time represented Longford, and he had his authority for stating, that on the death of Lord Forbes, and a vacancy occurred in that county; Mr. Fox became a candidate, and was opposed by Mr. Luke White. The election took place at the latter end of December, 1836, when Mr. White was returned, but Mr. Fox was seated on petition. Some of the tenants of Mr. Malone voted against Mr. Fox. They held their leases for a number of years, terminable on the death of Lord Forbes, and though the death of that nobleman was notorious, though it was his death that had occasioned the new election, and though Mr. Fox served on these tenants cautionary notices, yet they replied, that as their lease was in being, their qualifications remained. Those persons came forward and voted, and to the present moment were voters on the register of the county of Longford. He would cite two more instances. He had received a letter from Mr. Kearnan, registry-agent for the Conservative party in the county of Tipperary, and that gentleman wrote, that he was desired by Mr. Fawcett to state the case of an old man, upwards of eighty years of age, who obtained a lease in 1832, but, being unable to pay any rent, surrendered it in 1834. Mr. Fawcett then allowed him a small portion of land, as he was an old man, but gave him no lease; yet this old man went to the hustings at a contested election, and in presence of his landlord voted for Mr. O. Cave and Mr. Sheil. He was cautioned not to vote, but he would perjure himself. Another of Mr. Fawcett's tenants—(he mentioned names, so that any Gentleman might inquire into the truth of his statements)—another of Mr. Fawcett's tenants, named Roger Mara, registered in 1832, and was murdered in 1837, by a man named Delaharty, who was tried and convicted of the murder, and transported. In January, 1840, notice was served to register Roger Mara's freehold. The original certificate was produced at the quarter sessions by the agent, who swore that he had got it for the purpose of registration from Roger Mara, the man who was murdered in 1837, and the barrister admitted his right. He was prepared to have saved the time of the House by passing over these cases, had he not been challenged to the proof, and he thought he had satisfactorily shown that abuses gross and notorious existed under the present system. But who attacked him as the enemy of Ireland, because he contended for another system of registry, and desired to purge the electoral lists of fictitious and fraudulent voters? Who took the prominent part against the present bill, but the hon. and learned Member for Dublin, charging him with being the enemy of Ireland, with a wish to abridge the franchise and destroy the liberties of that country, because he had declared in favour of an annual registration, deeming that necessary to put an end to the system of fraud, perjury, and false certificates? Now, he held in his hand a report of a debate which took place in that House on the 6th of July, 1832, on the Irish Reform Bill, and he found that the following expressions had fallen from high authority—from the hon. and learned Member for Dublin himself:—

"By a subsequent clause," observed the hon. and learned Member, "it was provided that the certificates should stand for eight years; but he contended for annual scrutiny; they could have no solid protection without it; for though John Moran, the voter on the certificate, should die, still, when the polling time came, there would be a John Moran living. In England the scrutiny was annual, as it ought to be in Ireland. At the elections John Moran would be forthcoming, and if they excluded annual scrutiny, the truth could not be detected, that they were not the persons to whom the certificates had been originally granted; it was impossible that this plan could last longer than a year, because in a Reformed Parliament the common sense English plan would be extended to Ireland. He must really suggest that it was better at once to give Ireland an annual scrutiny, and put it on the same footing as England."

[*Cheers*, and a cry of "*Hear*," from Mr. O'Connell.] The hon. and learned Member for Dublin seemed pleased with these quotations, and he (Lord Stanley) therefore hoped that the House would permit him to go on with them. On the

29th Clause of the Irish Reform Bill being brought up, the hon. and learned Member said,

"He could not help again observing, that unless an annual scrutiny was established, there would exist great facilities for fraud, because when once the certificate was obtained it was to last for eight years, and the production of the certificate would be exclusive evidence of the right to vote; so that a party might die, and yet his certificate might be rendered available; it was impossible to deny that this would lead to false swearing, for a man would only have to swallow an oath in order to get his vote passed. I use the name of John Moran," continued the hon. and learned Member, "because it happened once, when I sat as assessor, that a voter was objected to, and the man produced a certificate granted to one John Moran. I said, 'If you are John Moran, write your name,' and he took up a pen without hesitation and wrote 'Dennis O'Brien.' This is only one instance," continued the hon. aad learned Member, "and I could mention many, why it is right to extend to Ireland the system adopted in England. It is said, that this would occasion too much trouble, but that may be avoided; let the certificate be conclusive evidence, unless the contrary is proved: first, let the old list of voters be published, and next the list of persons objected to; this would give all parties an ample opportunity of making themselves acquainted with the grounds of the objection, and would enable them to ascertain whether the qualifications had ceased, and whether or not the persons objected to were living."

This was the whole plan and system of his (Lord Stanley's) bill, and it was recommended by the hon. and learned Member himself in 1832, in the course of the discussions on the Irish Reform Bill. He did not complain of the hon. and learned Gentleman changing his mind on this subject. The hon. and learned Member had a perfect right to change his mind, if he now thought that plan best, which he before considered would be productive of perjury; and if he now considered English common sense, which he formerly professed to admire, nothing better than nonsense. But he said, that the learned Gentleman had no right to come forward at that time to denounce Lord Grey's Government for not adopting the English system before they had experience of it, and now, at the expiration of eight years, to come forward and denounce him as an enemy of Ireland, for adopting that precise plan which the hon. and learned Member had previously declared ought to be adopted. It might be very convenient for the noble Lord the Secretary for the Colonies at once to throw over the whole of the bills which had been introduced by him and his party in 1835, 1836, and 1838, and to say that he did not choose to be bound by them at all; but it was rather singular, when the noble Lord saw the principles of those measures for the first time taken up, with the *bona fide* intention of carrying them through and making them the law of the land, that he then found out that all the provisions he had been before supporting were bad; and that there was only one good part in the bill of 1835, which good part he had, according to the noble Lord, rejected from his measure. He was sorry to speak in such terms of the noble Lord; but he thought it was really unworthy of the noble Lord to come forward at the close of his speech with the miserable pretence that at some future period of the present Session the learned Solicitor-general for Ireland would take into consideration the whole system of Irish registration, and introduce a bill on the subject. It was worth while to note the precise dates when such announcements were made. On the 6th of March, he (Lord Stanley) introduced his bill for the amendment of the law of registration in Ireland, and at that time he was led to believe that there existed no intention on the part of Government to bring in any measure of the kind. The noble Lord the Secretary for Ireland distinctly said, that he admitted the reason of the taunts against Government for not going on with their bills; but he added, that they found, from the opinion declared in another place, that the attempt to pass the bill was hopeless, and that that was the grounds why they ceased to press the House of Lords with the bills. When the second reading of his measure was debated, would it not have been competent for the noble Lord to say, that he admitted the justness of the principle of the bill, and to request that the measure might be postponed for a short time, on the ground that the Government intended to bring forward a measure on the subject, and wished the House to decide between the two? However, the Government had not taken this course, but after they were beaten on the second reading, the noble Lord the Secretary for the Colonies then announced that it was the intention of his learned Friend the Solicitor-general for Ireland to introduce a bill on the subject. It also happened that the noble Lord had intimated his intention of introducing the bill in reference to the English registration, only two days before the day fixed for the Committee upon the present measure, in the hope of catching a few stray votes of Members who felt, that the power of truth and argument was strong to be contended with, and these evils which he had depicted were too monstrous to be endured. The noble Lord now announced that the Solicitor-general for Ireland intended to bring forward a measure with respect to the Irish registration. It had happened, that on account of a most melancholy and lamentable occurrence, the Committee on the present bill had been postponed for a fortnight. The Solicitor-general for Ireland, therefore, had had time to consider his measure, and, also, if he entertained a *bona fide* intention of introducing it, to lay it on the Table; and there was no need for vague hints that this or that should be done, or something else which might be desirable. The Solicitor-general for Ireland might have shown by a printed plan how he meant to deal with the difficulties of the case. Nothing of this sort, however, had been done, but the noble Lord the Secretary for the Colonies, after abusing the present bill, stated at the close of his speech, that in a short time the House of Commons might expect some general measure on the subject, "which," observed the noble Lord, "we intend to make as complete as they can; hitherto we have considered what might meet with the assent of the other House, but we now shall be fettered with no such consideration." That was to say, the Government would reject the present bill, though they knew it would effect the object in view, and they would bring forward at some future time, a measure without any reference to the prospect of its passing, but which might serve as a convenient peg on which to hang up the whole question. He thanked the noble Lord even for the little light he had thrown on the object he had in view. What was the point most contended for in the present bill? The annual registration of voters, for the purpose of striking off fictitious voters and dead men, and those who had parted with their qualifications. What was it that the noble Lord meant to effect by his English bill? He meant to adhere to the system of annual revisions and objections, nay, more, he meant to introduce into England that system, the proposition of which was the next ground of abuse against him, namely, an appeal from the decision of the revising barristers to a higher tribunal, whether in favour of the franchise or against it. This was a point in which he only followed the provisions of every bill introduced by the Gentlemen opposite. But he was told, that the judges were not proper persons to make the appeal to. Why not? Had not the judges been found proper persons to make the appeal to heretofore? Since the 10th George 4th, the registering tribunal had been composed of assistant-barristers, and not of a large and fluctuating body, as was the case complained of in England, and the appeal had always been to the judges, and he had never heard it said, that the result was, that it lowered the character of the judges in public estimation. The noble Lord had said, that his right hon. Friend near him had in 1829 shown confidence in popular institutions, having, with reference to the franchise, submitted in certain cases the decision to the judges, and in others to juries, and the noble Lord accused him of being an enemy to popular rights, because he proposed to give the decision to the judges, and to exclude juries. Now, he copied his provision from the bill of the noble Lord's introduction, the enactment in which was not inserted casually, but on amendment, and received the sanction of the noble Lord, then and now Secretary for Ireland, as being an improvement, and the bill thus amended was actually sent up for the concurrence of the other House. The noble Lord said, that the present bill would operate unfairly, inasmuch as it incidentally attacked the franchise, because it proposed to make the judges the parties to decide on the disputed question of beneficial interest, on which they had already given their opinion by a majority of ten to twelve. Now, as had been argued by the hon. Member for Coleraine, the decision of the ten judges was the law of the land. If it were not law, the judges were no more bound by it than anybody else, but if it were indisputably law, then the appeal to the judges, who were bound to administer the law, was nothing different from the reference to the assistant-barristers, who were also bound by oath to administer the law. But then it was said, that it was a hardship to accompany this appeal with costs. He would not say as was said by the hon. Gentlemen opposite, that he wished to treat the man who came forward to claim his lawful franchise as if he were an enemy, but he did say, he would treat the man who came forward to claim that which he had no right and no title to as a nuisance and a blemish to the country, which it was their duty to the *bona fide* constituency, to remove from the registry. But, respecting this question of costs accompanying the right of appeal, in what way could he have made the appeal work favourably to the poor objector, if he had given the right of appeal, and no right to costs in case of a decision for the objector? He proposed to give an appeal, but to check it with the payment of costs, such costs as the poor man would be put to in the vindication of his just rights, and those costs he said that the poor man was just as much entitled to receive as the rich man was bound to pay, if his objections were made upon light and frivolous grounds. It would be observed, that the bill only gave costs where the grounds were light and frivolous. But it was said, "You ought not to give an appeal to claimants." Why not? Was is not an appeal in favour of the franchise? But he would be quite ready to discuss the point in Committee, and to yield, if it were thought desirable upon discussion, that the assistant-barrister's decision should ascertain who were entitled. But he apprehended, that if the claim were supported before the assistant-barrister on false evidence, or if it were rejected on false evidence, in either case the House would not refuse costs upon appeal. Still, with reference to this part of the question, it was said, "What! a penalty imposed on a man for claiming his constitutional rights! no person who did not desire to interfere with the franchise would ever dream of such a proceeding." But he was introducing nothing new in this. In 1836, in 1837, in 1838, bills were introduced under very high sanction embodying this provision. The bill of 1836 had emanated from a committee which was presided over by a late lamented gentleman of very eminent talents, Mr. Bonham Carter, and the 44th clause of that bill he found gave power to the barristers to allow costs in certain cases to parties claiming or objecting. Now, the enormous violation of the constitutional rights of voters which was embodied in his bill was copied nearly *verbatim* from the clause of the bill he had mentioned, which was endorsed with the names of the present Attorney-general, and the late Solicitor-general, Mr. Baron Rolfe. Then, as to the penalty, did they give the same as he did? No, they gave a penalty double in amount. Well, that bill had been committed, recommitted, recommitted again, amended on the second recommitment, recommitted again, and amended on the third recommitment; it had been brought in again in 1837, it had been brought in a third time in 1838, this obnoxious clause remaining in it all the while, under the sanction of the noble Lord, and with the names of her Majesty's Attorney and Solicitor-general on the back. With respect to some of its minor provisions, the noble Lord had (unintentionally, no doubt) misrepresented the present measure. In fact, they were not proper subjects of discussion on that occasion, they ought to be reserved for Committee, but, as they had been made principal grounds of objection to the bill, he felt bound to discuss them then. The noble Lord had spoken of a case which he said that he knew of at Saddleworth, where a revising barrister had resolved to sit in preference to another place at a distance, because he found, that a great many objections came from that place, and that the distance was inconvenient, and the noble Lord had pointed out the convenience of the provision in the English Reform Act under which the barrister was empowered to move his court as might be desirable, and had gone on to say, that as this power was convenient, it had been omitted altogether from the present bill. But what was the case now in Ireland? The Lord-lieutenant, it was true, had the power of appointing the places where registration courts should be held, but only, unless he (Lord Stanley) were greatly mistaken, such places as were appointed for the holding of quarter sessions. If he had not appointed the place for the holding of quarter sessions, the Lord-lieutenant had not, that he knew of, the power of making it a polling place. The noble Lord's inference on this point, could not be supported, for he (Lord Stanley) gave, as the noble Lord would have seen if he had read the bill, additional convenience and facility to the claimant over and above what he enjoyed under the present law, by an enactment which the noble Lord would find was taken *verbatim* from the 36th section of the English Reform Act. The hon. and learned Member for Galway had also taken objections to some minor details, which he (Lord Stanley) thought were hardly fit for discussion on that occasion. But one of the objections was, that the notice of claim in his bill was too full and diffuse, and the hon. and learned Member had given many instances in which he argued that it would operate very severely on that account. Now, certainly the terms and form of a notice contained in a schedule of a bill ought to be discussed and settled in Committee, but the notice contained nothing more, in fact, than what the voter had to swear to at present in his certificate. The main difference was, that his notice distributed into eleven columns, that which was lumped into seven columns under the present law. Let the House, however, discuss these matters in Committee, to that he had no objection, on the contrary, he would say, that whatever might have been said about his conduct and motives in bringing in this bill, and whatever might have been said of the bill itself, he was as fully prepared to go into Committee and to discuss every provision of the measure fully and patiently as if its progress had never been encumbered by the objections of the hon. Gentleman opposite. He would refer to one more point before he sat down. It had been alleged, that his notice of objection was indefinite, and it was said, "How hard it is on the claimant that the party objecting should only have to say that he does object." Hear the notice of objection given in the Reform Act:

> "To Mr. William Ball,—I hereby give you notice, that I object to your name being retained on the list of voters for the county of ——, and that you will be required to prove your qualification at the time of the revising the said list."

There was the English notice, and yet when he took his from that, he was told, that he was treating Ireland with gross injustice, and that he used both parties—claimants and objectors—in a way that was never thought of in England to persons similarly situated, by giving the power of sending notices of objections which would never be taken. He might go farther into the subject, but he really wished to avoid anything which might lead to irritation. One word more, however, he must address to the noble Lord, and on the subject of the last objection which the noble Lord adduced. The noble Lord objected, that he having brought in a bill proposing to deal with the registration, did not in that bill deal with the franchise too. The answer to this was which he had stated at first, and which he adhered too—namely, that if he wished to have a chance of passing a measure of registration, he must separate the two points, and make them the subjects of distinct measures. The noble Lord knew that he had been very anxious to come to some arrangement on this head, and that he had wished much that a committee should have sat to see if they could not come to an agreement about it; but the noble Lord had rejected his proposition, and told him that it was useless to have a committee, and hopeless that they could come to any agreement. And what did the noble Lord say, that the Government would do now? He said that he would consent to no bill which did not declare that to be law which the judges of Ireland had declared not to be law. And the noble Lord said this, well knowing, as he must do, that if the House of Commons ever assented to such a bill, the other House never would, and that, whatever might be the nature and character of the bill in other respects, it would be a mere mockery of legislation if he incumbered it with that which would insure its not passing into a law. But if he had not the noble Lord's precepts in his favour, he had at least the noble Lord's example, for in bringing in his English Reform Bill, the noble Lord had done as he (Lord Stanley) was now doing, and had said, "I will keep separate the two points of registration and franchise." He had again the noble Lord's example in a bill to reform the Reform Act; he studiously separated the franchise from the registration provisions, and put them into separate bills; and if he did not very much mistake the noble Lord, it was his intention to follow precisely the same course, and although the noble Lord attacked him for not intruding any provision for the franchise in his bill, he yet proposed to bring in a registration bill, and to exclude from it any provision for the franchise. "I will not," the noble Lord concluded, "enter into refutations of the motives by which I have been charged with being actuated in bringing forward this bill. The noble Lord has thrown out aspersions on the motives by which he supposed me to have been actuated. Once for all, I disclaim them *in toto.* I cannot prove to the satisfaction of the noble Lord what my motives are, but I have thought it in general more in accordance with Parliamentary practice not to impute motives; but these, I will state, have been my motives—that seeing a system of fraud, of perjury, of fictitious votes overwhelming the *bonâ fide* constituency in Ireland—seeing that there was no legitimate remedy by which that enormous evil could be met—seeing that the Government had, upon various occasions, introduced measures which I thought well calculated for meeting those evils, if they had not been encumbered with provisions which insured their rejection, I have brought forward a bill, desiring not to curtail the *bonâ fide* franchise, but to fulfil the pledge given by Lord Grey's Government, that after pursuing and trying the system of English registration, if it were found to answer, we would adopt the principle of annual revision in Ireland, with a sincere desire to purify the constituency of Ireland; and I believe that this measure is calculated so to purify and maintain the rights of the *bonâ fide* electors, to the exclusion of those who hold their votes and confer seats in this House, having no sort of claim to be on the register. By these motives alone have I been actuated in taking on myself a very laborious and thankless task; and, whether the House of Commons shall think fit on this occasion to recede from the position they themselves came to a month ago, or whether, as I rather hope, they will confirm their then decision, and agree to discuss in Committee the details of this bill, I shall be satisfied that I have done what in me lay to purify the constituency of Ireland, and to give effect to and not to violate the spirit and provisions of the Reform Act."

Major *Macnamara* moved, "That the debate be now adjourned."

Lord *J. Russell* thought they were perfectly justified in proceeding. Having had two nights' debate on the second reading of this bill, and being likely to discuss it again on going into Committee, he did not see why they should again adjourn.

The *Solicitor-General* rose to address the House.

Major *Macnamara* would divide the House on his motion.

Viscount *Howick* said, before the House was put to the trouble of dividing on the question of adjournment, he could not withhold earnestly requesting his noble Friend the Secretary of State for the Colonies, and his noble Friend opposite (Lord Stanley), not to oppose that motion, because the question now before the House appeared to him to differ in some essential respects from the question they had lately discussed; and he believed that there were others in the same situation as himself, who, having taken no part in the late debate, would be very unwilling indeed to divide on the present question without being able to explain their views. He trusted, therefore, that the House would consent to adjourn the debate.

Lord *Stanley* said, of course he would not oppose the adjournment of the House, subject however to this proviso, that he thought it would be exceedingly inconvenient to all parties, if, after the discussion on the second reading, and during the whole course of that evening, the adjournment were to take place for more than a very short period; and he should certainly object to the adjournment, and divide the House on the question, if it were not arranged that the debate should be resumed in a very short time. A motion of his right hon. Friend, the Member for Harwich, stood first on the list of motions for next evening; but he would put it to hon. Members whether, for the general convenience of the House, they would allow the ordinary course of an adjournment to take precedence of the other business, and not interpose miscellaneous matter between the debate.

Lord *J. Russell* did not know that there would be any inconvenience in bringing on the debate next evening. But he should wish to ask the House to receive the report of the Committee of Ways and Means, to enable his right hon. Friend to proceed on Friday according to arrangement. He was quite ready to put off the other orders of the day.

Mr. *Herries* was ready to give way on his motion, being confident that the right hon. Gentleman, the President of the Board of Trade, would give him another opportunity of discussing it.

Lord *Stanley* said, if it was understood that Gentlemen were willing to yield precedence, he had not another word to say. But the hon. Member for Kilkenny, and also the hon. Member for Dublin, had two notices which both stood with several notices before them, and of course those Gentlemen would stand in the same position.

Mr. *O'Connell.*—It is utterly impossible I should facilitate the arrangement.

Lord *Stanley :* That being the case, if I cannot get the assurance of these Gentlemen to give way, I must, however unwillingly, divide the House on the question of adjournment.

The House divided on the question of the adjournment:—Ayes 262; Noes 281—Majority 19.

List of the AYES.

Abercomby, G.
Acheson, Lord
Adam, Admiral
Aglionby, H A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Andover, Lord
Anson, Colonel
Anson, Sir G.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, H.
Berkeley, C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Busfeild, W.
Butler, Colonel
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, C.
Cavendish, G. H.
Chalmers, P.
Chapman, Sir M.
Chester, H.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Corbally, M. E.
Cowper, W. F.
Craig, W. G.
Crawley, S.
Crompton, Sir S.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
D'Eyncourt, C. T
Divett, E.
Duff, J.
Duke, Sir J.
Duncan, Lord
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J.
Dundas, Sir R.
Dundas, D.
Easthope, J.
Elliot, hon. J. E.
Ellice, Capt. A.
Ellice, hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Feilden, J.
Ferguson, Sir R.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, Sir P.
Fort, J.
French, F.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Hall, Sir B.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord, A. M. C.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. G.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hon. E.
Howard, F. J.
Howard, P. H.
Hume, J.
Hurst, R. H.
Hutchins, E. J.
Hutt, W.
James, W.
Jervis, J.
Johnson, Gen.
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Leader, J. T
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, S.
Lynch, A.
Macaulay, T. B.
Mactaggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T.
Maule, hon. F.
Melgund, Lord
Mildmay, P.
Molesworth, Sir W.
Moreton, hon. A.
Morpeth, Lord
Morris, D.
Muntz, G. F.
Murray, A.
Musket, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D.
O'Brien, C.
O'Brien, W.
O'Callaghan, C.
O'Connell, J.
O'Connell, M. J.
O'Connor, Don
O'Ferrall, R.
Ord, W.
Oswald, J.
Paget, Lord
Palmerston, Lord
Parker, J.
Pattison, J.
Pechell, Captain
Pendarves, E.
Philips, M.
Philips, G.
Phillpotts, J.
Pigot, D.
Pinney, W.
Ponsonby, J.
Power, J.
Power, John
Price, Sir R.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Russell, Lord J.
Russell, Lord C.
Rutherford, A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelburne, Earl
Smith, J. A.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W.
Standish, C.
Stanley, hon. E.
Stanley, hon. W.
Stansfield, W. R.
Steuart, R.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.

Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, T. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Wemyss, Captain
Westenra, J. C.
White, A.
White, S.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshire, W.
Winnington, Sir T.
Winnington, H.
Wood, G. W.
Wood, B.
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Macnamara, W.
O'Connell, D.

List of the NOES.

Acland, Sir T. D.
Acland, D.
A'Court, Captain
Adare, Lord
Alford, Lord
Alsager, Captain
Arbuthnott, H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, H.
Baker, E.
Baldwin, C. H.
Baring, hon. W. B.
Barneby, J.
Barrington, Lord
Bassett, J.
Bateson, Sir R.
Bell, M.
Bentinck, Lord
Blackburn, I.
Blackstone, W.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Bolling, W.
Bradshaw, J.
Bramston, T.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Cantilupe, Lord
Castlereagh, Lord
Cholmondeley, H.
Christopher, R.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T.
Codrington, C. W.
Cole, A. H.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Corry, hon. H.
Courtenay, P.
Creswell, C.
Crewe, Sir G.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C.
Douro, Marquess of
Dowdeswell, W.
Drummond, H.
Duffield, T.
Dunbar, G.
Duncombe, W.
Duncombe, A.
Dungannon, Lord
Du Pré, G.
East, J. B.
Eastnor, Lord
Eaton, R.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, H.
Graham, Sir J.
Granby, Marquess
Greene, T.
Grimsditch, T.
Grimston, Lord
Grimston, E. H.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T.
Herbert, hon. S.
Herries, J. C.
Hill, Sir R.
Hillsborough, Earl
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestre, Lord
Ingham, R.
Inglis, Sir R.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Lord
Kirk, B.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W.
Lefroy, T.
Lennox, Lord A.
Liddell, hon. H.
Lincoln, Earl
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, J. H.
Lucas, E.
Lygon, General
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Mahon, Lord
Maidstone, Lord
Manners, Lord
Marsland, T.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, John
Nicholl, J.
Norreys, Lord
Northland, Lord
O'Neill, hon. J. B.
Ossulton, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, Sir R.
Peel, J.
Pemberton, T.
Perceval, Col.
Perceval, hon. G.
Pigot, R.
Planta, J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Ponsonby, C.
Powell, Col.
Powerscourt, Lord
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.

Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Lord
Scarlett, J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Col.
Sinclair, Sir G.
Somerset, Lord
Sotherton, T. E.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sugden, Sir E.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Col. H.
Thompson, Alderman
Thornhill, G.
Tollemache, F.
Trench, Sir F.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Lord
Waddington, H.
Walsh, Sir J.
Welby, G. E.
Wilbraham, B.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wyndham, W.
Wynn, C. W.
Yorke, hon. E.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

On the question being again put, Mr. *O'Connell* moved, that the House do adjourn.

Mr. *Oswald*, though he had voted for the adjournment of the debate, could not support such a motion. If such a course were persisted in, it would put a stop to all public business, and, however reluctant he might be to vote against the hon. and learned Gentleman, he must decline being a party to such a motion.

Lord *J. Russell* could not vote for the adjournment of the House. He had voted for the adjournment of the debate, and his reason for doing so was this—the noble Lord, the Member for Northumberland, whose opinions were always worthy of being listened to with attention, had stated that, in his opinion, as well as in the opinions of other hon. Members, the debate had taken a different form from that which it presented on the second reading.

Sir *R. Peel* said, the practical question was, whether, if an adjournment were to take place, it should be to this day or not, and it must be the unanimous feeling of the House, that it ought to be for to-day. On Friday there would be the report of the budget; on Monday the House would not sit. Why then, not agree to the decision to which the majority of the House had come, and let this stand the first in order for to-morrow?

Debate adjourned to the next day.

HOUSE OF LORDS,

Tuesday, May 19, 1840.

Minutes.] Bills. Read a third time:—Tithe Commutation Acts Amendment.

Petitions presented. By the Earl of Radnor, from York, for a Repeal of the Corn-laws.—By Lord Prudhoe, from Newcastle-upon-Tyne, for Medical Reform.—By the Earl of Winchilsea, from Dorset, and many other places, for no further Grant to the College of Maynooth; and from Shropshire, against the Irish Municipal Reform Bill.—By the Earl of Aberdeen, from Dumfries, in favour of his measure for the Settlement of the Non-Intrusion Question.

Church of Scotland.] The Earl of *Aberdeen* rose to present a petition from the synod of Dumfries in favour of the bill which he had introduced for the settlement of the difference which at present unhappily distracted the Church of Scotland. The petitioners approved of the whole provisions of the bill. In other quarters, however, the measure had not been so favourably received. One gentleman, in a speech which had been published, severely reprobated the measure. Their Lordships need not be afraid that he was about to debate the subject with that rev. gentleman. But some of his arguments were of so extraordinary a nature, that he could not help adverting to them. It was by him asserted, "that even if there was nothing offensive in the bill, still it could not be permitted that the state should thus presume to dictate in a matter of this kind;" that "it would be a great and grievous act of national sin to sanction such a measure;" and that "the effect of such a proceeding would be to pull down the Redeemer from his throne, and trample on his glories." Such were the arguments made use of against the measure. He was, however, happy to say, that the reception of the bill, generally speaking, far exceeded his most sanguine expectations. From every quarter of the country—from the most enlightened, intelligent, and respectable of the clergy—he had received numerous statements, approving of the measure. He regretted exceedingly that the noble Viscount did not make up his mind on this subject a little sooner, so as to have enabled him (the Earl of Aberdeen) to bring in his bill before Easter. What might be the feeling of the General Assembly on the subject ultimately, it was quite impossible for him to say. He had heard that an overture had been made to them by the Synod of Lothian against supporting this bill; but if the approaching assembly would discuss the matter calmly and fairly, he entertained a strong hope that they would acquiesce in this measure, and he was sanguine in the belief that it would be productive of those benefits which he was desirous should flow from it. The noble Earl then presented the petition, in which the petitioners declared, "that they were conscientiously and truly convinced, that by paying due obedience to the laws of the land, they did not sacrifice or compromise their religious principles."

STATE OF IRELAND.] The Earl of *Glengall* wished to make some observations with respect to the present unsatisfactory state of Ireland. Previous to Easter, he had asked whether any measures were about to be taken, to put a stop to the system of outrage which prevailed, to a very great extent in Ireland. Nothing, however, appeared to have been done, and the country was as much disturbed as ever. Recently, Mr. West had been murdered, and he wished to inquire, whether the Irish Government had, previously to that event, received any information that such a crime was contemplated? He also wished to know, whether Government was prepared to enforce the Registration of Arms Act, and to direct that a strict search should be made for arms?

The Marquess of *Normanby* had not the slightest hesitation in saying, that the Government had received no information whatever of the intention to murder Mr. West, nor heard of the murder until the lamentable event had occurred. With respect to the other question, he was in communication with his noble Friend at the head of the Government of Ireland, who was at this moment prepared to make a most rigorous search for arms in the disturbed districts. His noble Friend was not, however, prepared to press for any additional measure on the subject at present.

The Earl of *Charleville* said, that certain parts of Ireland were, at present, in a most dangerous state, and it was most important that a strict search for arms should be made. The system of outrage was going on increasing from day to day. A meeting was held in consequence, on Friday last, at Palace Henry, in Limerick, when Mr. Rhodes, a magistrate, stated, that he had been a close observer of the county, and for thirty-five years it never was in such a state of lawless insurrection as it was at present. But it was not in that district alone that outrage existed. He had received information from a neighbouring county, that arms were commonly kept by reckless persons for felonious purposes. Information of that nature was recently conveyed by a gentleman to the Government, accompanied with a statement, that the informant knew the character of certain parties to be of the very worst kind, that he firmly believed those parties were in possession of arms improperly, and expressing a hope that the Government would afford him the assistance of the police in making the necessary search. In answer to that application, the gentleman who made it was required to give certain information before Government would interpose. Now, what could he state but what he had stated—his positive belief that arms were in the possession of four men whom he named, who were known to be of the worst character, who were suspected of being intimately connected with the Riband Society, and who were supposed to have taken part in the recent outrages. The Crown Counsel farther "required to know whether the persons named had registered the arms alluded to, because, if not, the fact should be stated," together with various other points; and the communication concluded by declaring, "that any information not containing such statements could not be acted on by Government." Now, if such a system as this were acted on, it would be almost impossible to detect crime, because such information as was here called for could never be procured. The informer, it should not be forgotten, came forward at the peril of his life, to give information. Under these circumstances, if a magistrate stated his positive belief that individuals were guilty of keeping arms for improper purposes, if he declared his conviction that such parties were connected with the outrages committed in the county, he did think that a heavy responsibility rested with Government in refusing to a magistrate the power to demand the assistance of the police in searching for arms. In consequence of the system pursued, the efforts of the police were paralyzed, and they seemed to be influenced by the feeling, that their promotion depended rather on the neglect than on the strict performance of their duty. There was a recent case, where a body of armed men appeared, not far from a police station. The police heard shots fired, but the parties were not molested, because it was supposed that the noise they made came from some boys who were shouting and firing at wild fowl. Again, Mr. Westcott was threatened with assassination, as he was proceeding to his farm. And what was the reason? Because he chose to sell his milk chiefly in the town of Palace Henry, to certain individuals, and refused to supply others who had paid him nothing for his milk last year. Therefore it was that he was threatened with murder. In the county of Limerick, within the last six months, there had been twenty-two cases of crime, and only two persons had been brought to trial. He trusted that, for the future, something more effectual would be done, both for the prevention, and the punishment of crime.

The Earl of *Devon* said, that in justice to the unoffending part of the population of the county of Limerick, he must declare, from information which he possessed, that those unfortunate occurrences to which the noble Earl had alluded, though they might have taken place in some parts, were by no means general throughout the county. On the contrary, that part of the county of Limerick with which he was connected had, during the last eight or ten years, become progressively more and more quiet. The people were now well ordered and well conducted; and he thought that, to show a want of confidence in them would have a very prejudicial effect on their feelings. He thought it his duty to a large population, and to his own position, to bear this testimony.

The Earl of *Wicklow* wished to understand clearly, whether it was the intention of the Government to bring in a bill to enable magistrates to make a search for arms hereafter, which could not be done if the supposition were correct that the present act was about to expire?

The Marquess of *Normanby* said, it was not the intention of the Government of Ireland to leave that country without an Arms Act. But he believed that his noble Friend was misinformed as to the expiration of the Act, which he thought would not take place till the Session after this. He was very glad that he had given way to the noble Earl (Devon), and he could not but contrast the manner in which he had spoken with the tone and temper which the noble Earl opposite had evinced in making his observations. The noble Earl (Charleville) had taken upon himself on this occasion, relying on rumours which had been conveyed to him, and which he believed to be exaggerated, to throw out a most unfounded imputation against his noble Friend who was at the head of the Government of Ireland, and which he was sure his noble Friend would, at the proper time, triumphantly refute. The noble Earl had said, that the police throughout the country were led to believe, by the conduct of the Government, that their promotion depended, not on their activity in the discharge of their duty, but on their neglect of it. Did the noble Earl know the effect of that accusation? Was he aware, that it was directly in the teeth of all the evidence, on oath, produced on the inquiry into the state of Ireland before a committee of their Lordships' House? Did he know that the opinion of every individual on that committee was, that the police did their duty efficiently, that they were ably officered, and admirably conducted? Was he aware that the condition of that portion of Ireland which was in a state of tranquillity was mainly owing to the exertions of that maligned force, of whom it was now said, that they were encouraged not to do their duty, in order that they might curry favour with the Government?

The Earl of *Charleville* said, that if the noble Marquess would move for a committee to investigate the facts, he would second the motion. The noble Marquess would find, that 200 men had met in arms in a place between three police stations, and that the police must have heard the shots that were fired, although they did not disturb the parties. He could produce evidence that the police did not properly do their duty. He could show that the police were paralyzed in obeying the orders of the local magistrates, and was prevented from fully doing their duty. Why, even in a case of murder, a policeman, with a warrant in his hand, could not act upon it without first applying to his superior officer.

The Marquess of *Normanby* said, the noble Earl had directed an accusation against the Irish Government, and against the distinguished officer, Colonel Macgregor, who was at the head of the police force in Ireland. The noble Earl had stated that the force was paralyzed in the performance of its duty by the hope of obtaining rewards, not for doing that duty, but for shrinking from it. Now, when the noble Earl said this, he (the Marquess of Normanby) contended that the responsibility lay on the noble Earl to prove his charge, if he could, and it was not for him to ask for a committee before which he might disprove it. If the noble Earl brought any proof before him that a policeman refused to act upon the warrant of a local magistrate, then he would say, not the whole police force was paralyzed, but that that particular policeman had not done his duty.

The Marquess of *Westmeath* said, that notwithstanding the triumphant tone which the noble Marquess who had just sat down had assumed, the House would remember that the charge which his noble Friend had made, was not that the police did not do their duty, but that they were paralyzed by the orders and directions issued by the Executive Government in Ireland. He intended to move for copies of the orders and directions given by the Government to the police in Ireland, and it would then be seen that the assertion made by his noble Friend—namely, that the local magistracy had been put aside, was quite correct. The charge, therefore, was against the Government, and not against the police. Why, the noble Marquess was not aware that the Arms Act would expire at the end of this Session, and yet he had stated, that there was no intention on the part of the Government to introduce a measure to renew that act.

The Marquess of *Normanby*.—No, I did not. I stated, that I thought the Arms Act would not expire until the end of next Session. I have sent out to inquire, and I find it will expire at the end of the present Session. I also stated that there was no intention to leave Ireland without the protection of the Arms Act.

The Marquess of *Westmeath* had understood the noble Marquess, on a former occasion, distinctly to say, that there was no intention on the part of the noble Lord at the head of the Government in Ireland to recommend any measure in relation to the Arms Act.

The Marquess of *Normanby*.—I stated that my noble Friend, at that moment, was not prepared to recommend any alteration in the Arms Act.

The Marquess of *Westmeath* said, it was a dereliction on the part of the Government, that a measure (admitted by the noble Marquess to be necessary) to renew the Arms Act had not been introduced before the present—he might say advanced —state of the Session. It would seem that Ireland would have been left without the Arms Act but for the question which had been put by his noble Friend, and the inquiry on the part of the noble Marquess to which that question had led.

The Earl of *Charleville* begged, in answer to the charge brought against him by the noble Marquess at the head of the Home Department, that he (the Earl of Charleville) had made assertions which were founded on vague rumours, to say that he had stated his opinions to be founded upon communications he had received and information he had derived from magistrates of the county. If the noble Marquess had leisure to read the proceedings of the meeting held on Friday last, he would find that the statements made by local magistrates, persons best acquainted with, and therefore most capable of judging of, the state of the county—he would find that his (the Earl of Charleville's) assertions were not founded on vague rumour. Great as was his respect for his noble Friend (the Earl of Devon), he must say, that resident magistrates were much better able to judge of the real state of the county than his noble Friend, who did not reside there for any lengthened period.

Lord *Monteagle* said, that though nothing could be more inconvenient than these desultory discussions without any species of notice, yet, as this meeting of magistrates had taken place within a short distance of his own property, and as some of the members of his own family had been engaged at the meeting, he felt it to be his duty to endeavour to undeceive the House as to those conclusions to which the observations of the noble Earl who had just sat down would lead it. The noble Earl seemed to consider his statements to be supported by the proceedings at that meeting. The gravamen of the charge brought by the noble Earl was, that the police of Ireland were encouraged in the neglect of their duty by reason of the supposed impunity with which that neglect was passed over by the Government, or from the encouragement they received from the Government in that neglect; and the noble Earl said, he made that charge, not on vague rumour, but upon the authority of the justices of the peace of the county in which the meeting in question was held. He had received copies of the resolutions which had been passed, and he must say, that they gave no countenance to the assertion that the police were encouraged in their neglect of duty by the supposed connivance of the Government. The charge, therefore, rested upon those loose statements which had been made by the noble Earl, and which the noble Earl had not had the generosity to retract. He (Lord Monteagle) could bear his testimony that his part of the county of Limerick was never in a state of more entire and complete tranquillity than at present; and, he must further observe, that Sir Robert De Vere, a deputy-lieutenant of the county, and several other magistrates, had declined to join in the resolutions passed, on the ground that they were premature and ill-timed. He could not, therefore, but condemn the charges thus made upon mere vague rumour.

The Earl of *Charleville* said, with regard to the objection raised to these desultory discussions without notice, that he had understood the noble Earl who had commenced the present conversation (the Earl of Glengall) to have intimated on a former occasion his intention to renew the inquiry he then made. With regard to the other observations of the noble Lord who had just spoken, he found it reported, that at the meeting in question Mr. Rhodes, a magistrate and a close observer of the state of the county for thirty-five years, had said, that he never knew it to be in so bad a state. Another Gentleman declared, that the cause of the outrages which had been perpetrated was the want of the co-operation of the police with the local magistracy. One of the resolutions passed was to the effect, that "the meeting viewed with deep concern the increased and increasing disturbed state of the district, and pledged itself to use its exertions to put down the insubordination now so widely extended." Let it also be remembered, that this was the second meeting of the magistrates held within three weeks in consequence of the disturbed state of the district. How, then, could it be said, that his statements had been made on vague rumour, or that the county was in a perfect state of tranquillity.

Lord *Monteagle* observed, that the charge the noble Earl had made was, that the police had acted corruptly under corrupt orders issued by the Government. He was glad the noble Earl had now called attention to the resolutions, which did not contain one word against the Government, but, on the contrary, there was one which expressed a determination to apply to that very Government charged with acting corruptly for additional assistance. He, therefore, could not but thank the noble Earl for thus confirming all he (Lord Monteagle) had stated.

Subject dropped.

CHURCH RATES.] The Bishop of *Norwich* said, he had a petition to present from certain Protestant Dissenters resident at Ipswich, in the diocese of Norwich, on the subject of Church-rates. He agreed with the petitioners in the wish they expressed that the question should be speedily settled, for as long as it remained unsettled, he conceived there would be constant bickerings and altercations, and that, which ever party won or lost, religion would be the loser. In the next place, he agreed with the petitioners that a Dissenter was not bound to support the church in all the luxuries, additions, and the variety of other circumstances which were comprised under the head of Church-rates, but he did not agree with them that a Dissenter should be altogether excused from Church-rates; because he conceived that as every man who bought lands did so subject to contributing his share of taxation, it would be unfair for him to draw back and say, that it was unjust to pay Church-rates for the maintenance of those ancient edifices, which every Englishman, whether Dissenter or churchman, ought to be proud to support. If he were living in a country where the religion was different from his own, and where he had purchased lands under a liability to certain taxes, he should think it unfair and discreditable to seek to be absolved from the payment of such taxation.

The Bishop of *Exeter* said, he had heard the speech of the right rev. Prelate with great pleasure, and he apprehended that not one of their Lordships would disagree from the right rev. Prelate in repudiating any attempt to cast upon Dissenters charges for illegal luxuries, or in any way exceeding the legal objects for which Church-rates were imposed. He rejoiced that the Dissenters in the neighbourhood of Ipswich had placed this petition in the hands of the right rev. Prelate, and that he had done himself and them so much justice.

Petition laid on the table.

TRANSPORTATION OF CONVICTS.] The Archbishop of *Dublin* spoke to the following effect*.—I have, in the first place, to present a petition on the subject of the motion I am about to make; a petition which, though very brief in itself, is long in respect of signatures, being signed by 225 respectable persons resident in London and Westminster, among whom are five or six merchants trading to New South Wales. The petitioners pray, in few, but expressive words, for the entire abolition of the punishment of Transportation. I regret, my Lords, that this most important subject has not been, in the first instance, taken up by some other Member of this House, more practised as a debater than myself, and more qualified to meet the great and peculiar difficulties which pertain to it. Not, however, that the decision of the main question does appear to me to present any considerable difficulty, to those who have carefully and candidly attended to the subject; but to produce this attention—to direct men's minds to the subject, and fix them earnestly and steadily on the consideration of it,—this it is that in several years' experience, I have found to be the most difficult task. In the course of those years—not less than eleven—during which I have been engaged in repeated efforts to excite some public interest in a matter of such ital importance, I have sometimes been almost led to regret, that the subject of penal colonies has not been made a party question:—at least, to doubt whether that circumstance—advantageous as at first sight it appears with a view to its fair investigation, has not been in another point of view, a disadvantage. Party-questions are not indeed usually considered and discussed in the fairest and most dispassionate way; but at least they attract attention;—they do obtain consideration and discussion; and this is in itself at least, favourable to the cause of truth; it holds out some hope at least, of ultimately leading to a right decision. The present, on the contrary, being no party-question, has been generally, I regret to say, regarded with equal indifference by men of all parties; and that indifference has commonly been succeeded by a disgust which has still more turned aside their minds from the subject. Most persons with whom I have conversed respecting our system of transportation, have acknowleged to me, that it is a subject they had not much thought of, but of which they had a general impression that it is one attended with great difficulties, and those, of a peculiarly unpleasant character. And when so far roused to a sense of the importance of the question as to overcome their first repugnance to enter upon it at all, I have generally found them so disgusted with the painful, the shocking and loathsome details, into which the inquirer is necessarily led, as to shrink back with aversion from the investigation, and abandon all further consideration of the subject; saying, either in words or virtually, that the whole question of Penal Legislation is difficult and disagreeable, and that they would rather have nothing to do with it. Such is the temper of mind I have too often met with in those who, in respect of other matters pertaining to the public welfare, are neither indifferent nor inactive. And when I have taken occasion to point out some measures that are imperatively called for, with a view to the immediate mitigation at least of some of the enormous and ever-growing evils of our transportation system, I have been usually met by the general answer that "there are difficulties" in every plan that has been suggested. Difficulties indeed! Why, what is all legislation—what is all Government, but a choice of difficulties? Most especially must criminal legislation be a choice of difficulties, because it is at best but a choice of evils; all punishment being in itself an evil. No one who is disposed to remain inactive, and to let all abuses take their course, need be at a loss for an excuse, if difficulties are a sufficient plea. "The slothful man saith, there is a lion in the way! a lion is in the path!" But is such a man fit to legislate or to govern? For what purpose, my Lords, do we sit here—with what professed view does any one undertake public office—except to grapple with and overcome difficulties in the way of the public welfare? But the difficulties, it is urged, are peculiarly great in the case of criminal legislation. They are so; and are greatly enhanced by the wrong course which we have so long been pursuing. If it is a troublesome and difficult task to devise and carry into effect wise measures, it is a still harder task to undo the effects of unwise ones. To retrace our steps,—to remodel our whole procedure,—to abandon the system of penal colonies, and endeavour to remedy, in some degree, the frightful evils they have occasioned;—all this must of necessity add very greatly to the ordinary difficulties of legislating on this subject. But if the difficulties are great, is not the importance of the questions at issue even more than proportionably great? It is indeed one which is usually treated as if it were of second rate or third rate consequence; while the keenest interest is excited by questions, not unimportant indeed, but much more remotely connected with the real end of all government and all legislation—the security of person and property, and the morality and general prosperity of the community. It is by reference to these ends that the value of all laws—of all political institutions,—is to be measured. What is the use of Parliaments,—of judges,—of constitutional government altogether,—except to protect innocence and repress crime—to secure the rights, and promote the peace and good order, and the physical and moral welfare of the subjects? If these then,—the great ends of Government be unattained and unattended to, while we are earnestly devoting our attention to some subordinate and remote point of legislation,—while we are eagerly discussing, perhaps, the best mode of appointment of some government functionary, we are devoting ourselves to the means, while we disregard the end: we are acting as preposterously as an agriculturist would, who should be careful to provide agricultural implements of the best construction, and to arrange his farm-buildings on the most approved plan, while he entrusted the actual tillage of his land to the most careless and unskilful labourers, and cared nothing what seed was sown, or what crops were raised on it. The apathetic indifference of which I have been complaining, is, of late, I am happy to find, giving way to a better feeling. That frozen insensibility to some of the most important interests of the country and of the human race, which had so long prevailed, is now apparently beginning to thaw. More attention than heretofore is directed to the subject; and great, though I must think, far from sufficient, modifications of the existing system have been announced as resolved on. I most sincerely congratulate this House, and her Majesty's Ministers, and the nation at large, on this change. And some persons may perhaps have expected that I should have remained satisfied with those announcements of intended alteration, which have been lately made by Ministers in the other House: and that I should at least have waited for the result of the proposed experiments. But of the success of those experiments neither I nor, what is much more—the very proposers of them (as far as appears) entertain much hope. I am convinced, on the contrary, that those proposed modifications are not merely in themselves insufficient to fully remedy the main part of the evils which call for remedy, but that they leave the very root and principle of those evils wholly untouched. There is therefore not only no immediate accomplishment, but no tendency towards the gradual and ultimate accomplishment, of the great object which we ought to aim at. The longest and fairest trial of any measure avails nothing towards an end which is not even proposed and sought for. And this is not merely my own conviction; it is also, as I have said, the conviction, apparently, even of the very proposers of the modifications I allude to. It is expressly stated in an official paper (printed last year) which your Lordships probably have seen,* that to "send the larger proportion of transported convicts to Norfolk island—would leave the main evil of transportation in full vigour;" because "at the expiration of their sentences they will flock to the Australian colonies, and render that noxious atmosphere fouler by the addition:" and this is immediately afterwards characterized as a "fatal objection." I see no reason, therefore, for supposing her Majesty's Ministers to be so wedded to the plans now proposed,—so fully satisfied of the efficacy and the sufficiency of the projected modifications, as not to be induced—I may say, encouraged, and enabled—by a strong expression of the feeling of this House, and of the public at large, to proceed much further in the good work, and adopt effectually-remedial measures for the evils in question. I have spoken of not inducing merely, but enabling Ministers so to proceed, because it is not in the power of the Executive to take such measures as are essentially requisite for the reform of our system of secondary punishments, without the aid of Parliament. It is left to Ministers—in respect of the present question—it is for them to steer the vessel, in some degree, in the right direction: but it is the Legislature alone that can supply a strong and a favourable gale. Before I proceed to point out to your Lordships the utter insufficiency, as it appears to me, of the modifications lately announced, towards remedying the main evils of the system, I wish to remark briefly on the extremely slow progress which has hitherto been made in the enlightening of men's minds as to those evils, and as to the urgent importance of aiming at their removal. I advert to this slowness of progress, because that circumstance indicates a danger that unless a stronger expression of opinion than has yet been elicited, on the part of this, or of the other House of Parliament, be now called forth, the chief part of the evils of the system of penal colonies may remain unremedied for perhaps another half century; or we may even slide back again into all those extremes of abuse and corruption which it is now proposed to put a stop to. Let it be remembered, then, that more than fifty years ago, when the scheme of a penal colony was first set on foot, the illustrious Howard most earnestly deprecated the measure.* He was not a man whom any one would call an experienced speculator setting up theory in place of experience: yet it was in defiance of his deliberate judgment—of his solemn remonstrance—that the plan was adopted: and not only the authority of that great philanthropist, but the too true fulfilment of his emphatic forebodings, during a period of half a century, were, till very lately, disregarded. But I might refer much further back, and to a still higher authority, that of Lord Bacon; who expressed, in the strongest terms, his own conviction of the impolicy as well as immorality of convict-colonization.

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* Reprinted from a corrected report, entitled "Substance of a Speech," &c., published by Fellows, Ludgate Hill, with this motto, "It is a shameful and unblessed thing to take the scum of the people, and wicked condemned men, to be the people with whom you plant."—LORD BACON.

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* Papers relative to Transportation, &c. Session 1839, No. 582. Official Note transmitted by S. M. Phillipps, Esq., to Sir George Grey, Bart., p. 6.

"It is," said that great man, "a shameful and unblessed thing to take the scum of people and wicked condemned men to be the people with whom you plant; and not only so, but it spoileth the plantation; for they will ever live like rogues and not fall to work, but be lazy and do mischief and spend victuals, and be quickly weary, and then certify over to their country to the discredit of the plantation."*

To colonists of such a description Lord Bacon has indeed bequeathed in vain the exhortation which follows:—

> "Let men make that profit of being in the wilderness that they have God always and his service before eyes!"

It is, indeed, somewhat mortifying to reflect how little the judgments of these eminent men have been attended to: but on the other hand, there is something encouraging in finding my views supported by such authority. I have been loudly censured—I have been derided—for the part I have taken in this question: but were I much more sensitive to human applause and censure than I trust I have ever shown myself, I could not but regard it as an honour to be censured and derided in company with a Bacon and a Howard. My own attention was forcibly called to this subject a good many years ago, from my observation of the effects of the transportation-system in my own neighbourhood in Suffolk. I perceived the every way demoralizing tendencies of the system; which were more and more forced upon my notice in proportion as I extended my inquiries. I found the relatives and former neighbours of transported convicts receiving such favourable accounts of the situation of those convicts—sometimes true, and sometimes false, but always alluring,—that the punishment (so called) of transportation had the effect of a bounty on crime, and the condition of the convict with light work, and not only plentiful but luxurious maintenance, could not but be regarded with envy by the poor labourer, who, with hard work and scanty food, was struggling, and often struggling in vain, to keep himself and his family from the parish.† The alluring descriptions given of the condition of the convicts, I ascertained to be in a great majority of cases, true; but in some instances very much the reverse: in both cases, however, they did give the same kind of description; and the results were the same. For it unfortunately happens that, in reference to this subject, opposite causes produce the same effects. Men wish for companions either in enjoyment or in suffering; and whichever was the convict's lot, (lot it might strictly be called, for it was generally the decision of chance)[*] it was by an alluring description of it that he would be likely to induce others to join him. That these representations did produce their natural effect of leading to the commission of crimes in the hope of being transported, came to my knowledge in several instances; and these I could not but suppose to be but few in comparison of those which did *not* come to my knowledge. And I felt that it is no better than a mockery for any man to pray that he may not be "led into temptation" if he is in any way a consenting party to a system which thus leads his brethren into temptation. Then as to the returned convicts, all evidence from all quarters goes to show that, as a general rule, their characters are what might be expected to result from the voyage,—the life they lead in the colony,—the intermixture of all varieties of depraved characters,—and the other circumstances of their (misnamed) reformatory punishment; and that they return home usually so hardened in every vice, that I verily believe if only five out of every fifty should come back, those five would bring home with them a mass of depravity, greater, and of a more infectious kind, than the whole fifty took out with them. These views were more and more confirmed the more I extended my inquiries; which also brought under my notice the still more frightful results in respect of the penal settlements themselves, of our "shameful and unblessed" system of colonizing. It has been sometimes urged, in palliation of it, that if we had not availed ourselves of the advantage of convict labour, we should never have had such flourishing colonies as we now boast of in New Holland. *Such* colonies as those, we assuredly should not have had: and if the alternative had been that we should have had *none* at all, better—far better—would it have been that the lands of New South Wales should have remained till the end of time in their primitive wildness,—better for the mother-country,—for the aborigines,—and for the settlers themselves,—that the whole region should have been swallowed up in the ocean, than that it should have been erected into such a monument of national folly and perversity, such a strong hold and seminary of wide-spreading and permanent moral corruption, as it now exhibits. The system,—I mean the continued adherence to the system, has been defended on the authority of Mr. Pitt,—under whose administration it was established. But I cannot see how any one is authorized to assume

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* See Howard's Works on Prisons and Lazarettos. The labours of Howard were the principal means of urging on the Legislature the Penitentiary Act, 19 Geo. 3rd, cap. 74, which he framed in conjunction with Sir William Blackstone, and Mr. Eden (afterwards Lord Auckland). Howard was appointed one of the three supervisors of the Penitentiaries to be erected pursuant to that act, but in consequence of an unfortunate dispute among the supervisors, in regard to the site of the first penitentiary for the metropolis, Howard resigned his office, and the plan consequently did not take effect. He however never altered the decided opinion which he had formed, in favour of a penitentiary system, and against the scheme of transportation which the Government had, in 1784, unhappily determined to adopt as a secondary punishment. Some years afterwards we find Howard thus expressing himself:—Such dreadful nurseries have been a principal cause of the increased number of crimes, and the shocking destruction of our fellow-creatures. I am persuaded this would have been in a great measure prevented, if penitentiary houses had been built on the salutary spot fixed on at Islington by Dr. Fothergill and myself. The gentlemen whose continued opposition defeated the design, and adopted the expensive, dangerous, and destructive scheme of transportation to Botany Bay, I leave to their own reflections upon their conduct."—*Brown's Life of Howard*, p. 495.

* Essay 33; Of Plantations.

† "I question much, however," (says Mr. Cunningham,) whether many English labourers live better than our convict servant here, whose weekly ration consists of a sufficiency of flour to make four quartern loaves at least; of seven pounds of beef; two ounces of tea, one pound of sugar, and two ounces of tobacco, with the occasional substitution of two or three quarts of milk daily for the tea and sugar allowance. Numbers of the English working poor would doubtless be happy to bargain for such a diet; and thus their situa-

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tion might in these points be bettered, by their being placed upon an equality with convicts!" * * * * "The Irish convicts are more happy and contented with their situation on board, than the English, although more loth to leave their country, even improved as the situation of the great body of them is by being thus removed,—numbers telling me they had never been half so well off in their lives before. It was most amusing to read the letters they sent to their friends on being fairly settled on board, (all such going through the surgeon's hands,) none ever failing to give a most circumstantial account of what the breakfast, dinner, and supper, consisted of; a minute list of the clothes supplied, and generally laying particular emphasis on the important fact of having a blanket and bed to 'my own self entirely,' which seemed to be somewhat of a novelty by their many circumlocutions about it. One observed, in speaking of the ship, that 'Mr. Reedy's parlour was never half so *clane*,' while the burden of another was, 'Many a *Mac* in your town, if he only knew what the situation of a convict was, would not be long in following my example! thank God for the same! I never was better off in my life.' "—*First Letter to Earl Grey*, pages 71—73.

[*] "Crime is not punished as crime, although certain criminals are treated with much severity. The question of colonial profit and loss mixes with the award of justice. A man is estimated by his capacity as a colonist, not by his crime as a felon. A clever servant is employed as a steward or butler, regardless of the fact that he has been guilty of embezzlement. At the same time a boy who has stolen a fowl from a farm yard may be subjected to cruel servitude in a remote settlement. The servitude or slavery which is comprehended under the word 'assignment,' varies and must vary as slavery does, according to the temper and character of the master to whom the convict is assigned. The worst criminal may have the best master, and the most repentant may be driven into fresh offences by the oppression of which he is the victim, and the profligacy of which he is the witness."—*Papers relative to Transportation, &c. Session,* 1839. No. 582. *Official Note, transmitted by S. M. Phillipps, Esq., to Sir G. Grey, Bart.*, p. 2.

that Mr. Pitt, if he were now living, and had the benefit of that experience whose results are now before *us*, would have still adhered to a plan which has long since been proved to have completely defeated all the objects he proposed from it. That the plan he adopted was an unwise one, and *unlikely* to realize his hopes, and that it was adopted in disregard of the forebodings and warnings of Howard to that effect, does not warrant our concluding that the fulfilment of those forebodings would have had no effect on his mind. It was begun indeed in defiance of all reason; but it does not follow that he would have persevered in it in defiance of all experience. Forcibly struck with the frightful amount, and the continual and alarming increase of these evils, and also with the generally prevailing ignorance of their real character and extent, and the strange apathy with which they were usually regarded, I felt myself called upon to use my best exertions, however feeble, towards awakening the public mind. I wrote first an article on the subject in the *London Review*,* which I afterwards reprinted in an appendix to a pamphlet in the form of a letter addressed (by permission) to Earl Grey when Premier. This was followed by a second letter on the same subject, in vindication of the views taken in the first; which were fully confirmed by the testimony of the very respondents who had undertaken to reply to them. And I subsequently made a communication in writing to the committee of the House of Commons which sat in the year 1838.† When I see, my Lords, what efforts many of my clerical brethren have made and are making for the mitigation or extinction of negro slavery, without incurring the shadow of an accusation of departing from their professional character, and intermeddling improperly in secular matters, I feel convinced that no one who has any just and adequate notions on the present subject can possibly feel it strange or indecorous that a clergyman should be warmly interested in it. Taken as a system of slavery alone, though that is but one portion of the vast and complicated mass of evils belonging to the system—as a system of slavery, it is in many points worse than negro-slavery. The master of negro-slaves, most of whom probably have been brought up in his family from childhood, and none of whom are necessarily tainted with crime, has every moral inducement, if he is at all capable of good feelings, to treat them well; and at any rate, from having a permanent property in them, has at least the same pecuniary interest in their well-being as in that of his cattle. The master of convict-slaves, on the contrary, has no permanent interest in them; his sympathy with them, and indulgence of them will be found greatest (as has been proved in evidence,) when he himself being a profligate character, makes them companions in debauchery or associates in crime; and the more licence and indulgence is usually shown to the more desperate ruffian where revengeful passions might be formidable. Then indeed, and when the master happens to be of a timid disposition, and his servants daring and hardened characters, it appears that, (in remote situations especially) the relation between the master and servants — the gaoler and prisoners—is often very nearly reversed. In short, though it must be admitted that a community consisting of masters and slaves is bad, and that a nation of gaolers and prisoners—of criminals I may say, and executioners—is bad, the union of the two in one system—the system of punishing criminals by assigning them as slaves to labour for the benefit of private individuals, is incomparably the worst of all. Yet this, which is but one out of the many evils of the transportation system — the one which it has been at length resolved to put an end to—continued to be carried on, in spite of all remonstrance—in spite of the fullest exposure of its noxious effects — for more than fifty years before the notorious truth was acknowledged and acted on!* I call your Lordships' attention to the very slow progress which just notions on this subject have hitherto made, because there is much—very much—yet to be done, before a full remedy will have been applied to the abuses of our systems of secondary punishment and of colonization; and because I fear that our future progress will be no less deplorably slow, unless this House and the other branches of the Legislature are aroused to the importance of the subject, and apply to the work of reformation more energetically than heretofore. During the eleven years that I have been occupied in endeavouring to call public attention to the evils of our present system—several other persons having in that time been exerting themselves in the same cause—it was by careless apathy chiefly, and never by even any apparent refutation that our efforts were resisted. Indeed it may be fairly regarded as at least a strong presumption in favour of the soundness of my views, that from first to last no statement and no argument I have adduced has ever been met, except by attributing to me something quite different from what I really did say, and, in many instances, the very reverse. Vague, general, charges of exaggeration indeed have been thrown out, in reviews, and elsewhere, against the statements I have made; but even a slight examination will suffice to prove that I have kept on the safe side, and have made such statements as are not only borne out, but much more than borne out, both by the evidence before the committee of the other House, and even by the admission of the very advocates of the system.—With similar vagueness of assertion it has been said, that the opponents of transportation "have taken all their representations from one side." This indeed, as far as I am concerned, I must admit to be true. Nearly all the representations I have brought forward are indeed taken from one side; but that is not my own side. I was so anxious to keep clear of all danger, either of being unconsciously misled by prejudice, or of having prejudice or unfairness imputed to me, that I referred almost exclusively to the authority of persons decidedly favourable to the system. In the two tracts published in the form of Letters to Earl Grey, the principal authorities referred to in respect of matters of fact, were those of Mr. Cunningham, a surgeon of a convict-ship, who had expressed himself favourable to the system of Penal Colonies, and of Colonel (now Sir George) Arthur, Dr. Ross, and Archdeacon Broughton, now Bishop of Australia; who all wrote in defence of the system, in reply to my first letter. All these, as well as the witnesses before the committee, several of whom were by no means unfavourably disposed towards Penal-colonization, furnished the very facts on which my conclusions were based. And when any specific reply has been attempted,—anything more definite than general unsupported insinuations of exaggeration or partiality—it has invariably happened (as I have already remarked) that something quite unlike anything I ever really said has been attributed to me; and the advocate has then encountered and triumphed over a phantom of his own raising. Colonel Arthur, for instance, in replying to my first pamphlet, enters into the details of a certain plan of a penitentiary, and of the objections to it, as if it had been proposed by him.* But in this he must have proceeded on some rumour or conjecture; for in the publication which he had before him, not only this supposed plan is not to be found, but I had distinctly stated my reason for not recommending any plan, except that of appointing a commission to make enquiries with a view to ascertain what might be most eligible. And again, very lately, a representation had appeared in the newspapers (whether originating in a mistake of the reporters, or in a hasty credence given to some baseless rumour) of my having proposed a punishment—or rather a substitute for punishment—which would in effect be a bounty on crime. I am represented,—and the report, however it arose, has been widely circulated—as proposing that each criminal on being convicted should, instead of suffering any punishment, be presented with a sum of money sufficient for his outfit and present maintenance, and should have a free passage given him to any colony to which he may choose to go, as a free settler. And to prove that this would rather encourage than deter criminals, a good deal of unnecessary ingenuity was expended, which only placed in a stronger point of view

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* This review appeared in 1829, and was continued only for two numbers. It had no connexion with any other reviews which have either formerly or subsequently appeared under the same title.

† Report, vol. ii. Appendix, p. 229.

* In many other subjects besides this, it is curious to observe how slowly and reluctantly men are induced to admit practically, and to act upon, conclusions of which their understanding has been convinced, when habit and prejudice are opposed to them. It is a long process first to effect such a conviction; and when this is accomplished, the task is but half completed: their habits of thought and of action continue, by a kind of *vis inertiæ*, to move in the same course, till time and frequent repetition shall have rendered familiar to their minds the conclusions which reason has established. The words which Shakespere, in mere sportiveness, puts into the mouth of Dogberry, seem in some such cases to be literally appli-

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cable: "it hath been proved already that you are no better than stark knaves; and it will go near to be thought so shortly."

* See second Letter to Earl Grey: pp. 98—105.

the extravagance of the supposition that I, or any one in his senses, could really have made so absurd a proposal! I will now take the liberty of very briefly laying before your Lordships what I really did say. After having in all my publications dwelt earnestly on one (among many) of the great defects of the transportation-system, that it does not deter, but rather allures men, as appearing likely to put them in a better condition than that of many a poor labourer at home.* I remarked (in the letter transmitted to the Transportation Committee) that

> "Under a reformed system of secondary punishment (supposing transportation abolished) it strikes me as desirable, with a view to the preservation from a return to evil courses of persons released from penitentiaries, &c., after the expiry of their punishment, that such as may have indicated a disposition to reform, should be, at their own desire, furnished with means of emigrating to various colonies, British or foreign, in which they may mix, not with such men as their old associates in crime, but with respectable persons, unacquainted with their past history, and may thus be enabled, as the phrase is, to 'turn over a new leaf.' This of course implies, that they should not emigrate in a body to any one place, and as a distinct class. For juvenile offenders, the same course would perhaps be even still more suitable. The colonies which should be specially excluded, should be (at least for fifty years to come) New South Wales and Van Diemen's Land; evidently the most unfit places in the world for a half-reclaimed offender. We have surely made trial long enough of that system of moral homœopathy, which seeks to cure a man of vice by putting him in the way of acquiring fresh vice. Surely a physician would be reckoned insane who should send a patient convalescent from ague, and in danger of relapse, into the Lincolnshire fens for the complete re-establishment of his health."†

Your Lordships will observe that the whole of the suggestion here thrown out, has reference to persons "released after the expiracy of their punishment;" and that I am speaking of a special favour to such of them (perhaps 20 or 30 per cent.) as may have given proofs of "a disposition to reform." If release after punishment, and release without punishment, are the same, and if a "bounty on crime," and a bounty on reformation, be equivalent, then I am certainly guilty of the absurdity with which I have been charged. But if the reverse of this be the truth, then I must contend that it is some presumption in favour of the soundness of my views, to find the mode in which almost exclusively they are controverted, is by representing them as the opposite of what they really are. Although, however, I never was guilty of the absurdity of proposing that criminals should be rewarded, or should be left unpunished, I never undertook to decide what kind of secondary punishment should be substituted for transportation, or even that any one should be adopted in all cases alike.* The opponents of transportation are indeed constantly met by the inquiry, "what would you substitute?" as the sole and sufficient defence of the existing system;—as if it followed as a matter of course that we are to persevere in a system which has been proved to have failed, and more than failed, in every point, and has been shown to be the very worst of all, unless some one is ready to shew which is the best of all. I did not presume to determine at once so important and difficult a question as this; but I pointed out the necessity of taking steps to have a determination made after due investigation. I well knew that those who were—from whatever causes—resolved to adhere to the existing system, and yet conscious that it could not be vindicated, would resort to the question of "what would you 'substitute!'" merely with a view to raise objections (which may always be done,) against any plan that may be proposed; there being, from the nature of the case, none that can be exempt from objections: while those again who might ask the same question in good faith, from a real wish to see the most effectual reform introduced,—these would not fail to see the importance of a regular and careful inquiry. After having shewn, therefore, by irrefragable proofs, that the existing system was defeating all the objects proposed by it,—augmenting all the evils it was meant to diminish,—and doing unspeakable mischief in various ways besides, I thought a fair case for inquiry at least had been made out; and I recommended the appointment of some kind of properly authorised commission for examining and reforming our secondary punishments. And yet it has actually been sometimes alleged as an objection to my views, that in the eight years which have elapsed since my first pamphlet was published, I have never brought forward any plan for an unexceptionable system of secondary punishment: that is, that I have not undertaken to supersede such a commission, and to dispense with such an investigation as I had myself recommended, and shewn to be necessary. Something very nearly approaching to what I ventured to recommend, has, I am happy to say, been done; first in the appointment of a committee of the other House, which has brought before the public so much important information; appalling indeed and disgusting in its character, but yet valuable, as a chart of shoals and whirlpools to a mariner;—and subsequently by the appointment of the commission for inquiry respecting the constabulary force. These commissioners have of course been led to examine into all the causes which tend to the increase, or again to the prevention and suppression of crime; and I take this opportunity of observing, that as Government deserves credit for instituting that commission, so do the Commissioners, for the way in which they appear to be discharging their duty. Their first report—which most of your Lordships probably have seen, as it was published about a year ago, (and a second is, I understand, shortly to appear)—their first report seems to me one of the most important documents ever laid before the public. I cannot indeed call it an agreeable book to read; but it is interesting—painfully interesting; and not only highly instructive, but, in one respect, consolatory, in the midst of its most painful details; inasmuch as it shews plainly how great a proportion of crime is attributable to a want of those preventive measures which (as is also made evident by the same document) might easily be introduced. Let but the suggestions of the Commissioners on this point be adopted,—suggestions which indeed must occur spontaneously to every intelligent reader of the facts detailed—and we may reasonably hope for such a diminution of offences as will not only prove a vast benefit to the nation in other ways, but also greatly lessen the existing difficulties as to the disposal of convicts, both during and after their term of punishment. That prevention is better than punishment, and that punishment is justifiable only as a means of prevention, is indeed universally admitted; but I doubt whether we in general sufficiently estimate the advantage in point of policy, and not merely of humanity and morality, of strict and judicious preventive measures over the denunciation of the most formidable penalties: I mean, the more effectual promotion of the ends of justice, by any measures which tend to shorten the probable career of impunity to an offender, than by the severity of the punishment in which that career terminates. The hope of even temporary impunity disarms even capital punishment of its terrors. It is the moral certainty of a speedy check that operates to deter. Dangers, however great, when they are contingent, and probably remote, have wonderfully little influence; especially on thoughtless uncalculating minds, bent on present enjoyment; which is just the description of those most exposed to the temptations to crime. When the occupation of an habitual offender is simply a dangerous one, it is so far, putting moral considerations apart—on a par with that of soldiers and sailors, and of persons engaged in many unwholesome trades. Some of these last afford the most striking illustration. The soldier, indeed, or the sailor, not unfrequently escapes through all his perils, and attains to a comfortable old age; but the Sheffield knife-grinders, and some others engaged in equally unwholesome occupations, have a moral certainty of death by a painful disease before they reach the age of thirty-five or forty; and yet for the extra ten or fifteen shillings per week wages, men are always to be found ready to expose themselves to this—not risk, but certainty—of premature death. We cannot therefore expect that any denunciation of punishment, even capital, will be effectual, as long as our preventive system is so defective, that a thief, while gaining double or treble the sum for which the Sheffield manufacturer sells his life, can calculate on a career of five or six years' impunity in towns, and probably double of that in the country.*

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* See my first Letter to Earl Grey, pp. 3, 70, 71, 136, &c. &c.

† Report, vol. ii. Appendix, p. 302.

* See first Letter to Earl Grey, pp. 10, 12, 43, 44; also second letter to Earl Grey, p. 111, *et seq.*

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* The following passage is extracted from a private letter lately addressed to me by Edwin Chadwick, Esq.;—" In reference to any new Commission for the investigation of the available secondary punishments, I think we have investigated them as far any commission is likely to investigate them with profit. We (the Constabulary Force Commissioners) shall recommend the separate system of imprisonment. But amidst a population where the appetites for immediate indulgence are

It is hopeless to attempt repressing crime by any modifications of punishment, without such a systematic, well arranged and vigorous system of police, as shall cut off in a great degree the hope of escaping detection. Much however as is to be hoped from the labours of the Commissioners, if their recommendations are energetically acted on, it is plain that no other preventive measures can supersede the necessity of punishments; indeed, all other measures must be backed as it were, and supported by the denunciation of punishments as a last resort. All police regulations must proceed on that supposition. And that the secondary punishments which we do retain, should not be (whatever system we may ultimately adopt), any modification of transportation to penal colonies—of that system which for half a century has been bringing disgrace upon us, and such complicated mischiefs upon the colonies and upon other nations as well as our own, is a conclusion which I can hardly understand any man's failing to draw from the evidence, or even any twenty or any ten pages of it taken at random, which was given before the committee.* I cannot but hope, therefore, that is not the deliberate and fixed resolution of Ministers to stop at the abolition of the assignment-system, and to persevere in a plan which is acknowledged even in the official document which recommends it, to "leave the main evil of transportation in full vigour," the plan of transporting convicts to Norfolk Island and Tasman's peninsula, and at the termination of their sentence, when they are (as is fully proved in evidence, and indeed admitted in the very same document,†) — far more incurably har-

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strong; where, for two, three, or five pounds, or the means of two or three days drunkenness, volunteers are found for forlorn hopes and narrow chances of escape; where, for thirty or thirty-six shillings a week wages, or ten or fifteen shillings extra to spend in drink, men will undertake such deleterious manufacturing processes as those of the Sheffield knife-grinders, with the certainty of death of a painful kind before they are thirty-six, or within a very few years—amidst such a population, where, from the absence of preventive measures, a man who can get only eighteen or twenty shillings a week by severe labour, rising early and toiling late and monotonously, may as a thief get double the sum, and enjoy a career of four or five years in towns, and probably double that extent of career and profit in the country, (as might be shown by reference to the first portions of the evidence in the Constabulary Force Report, par. 4, 6, 10, 11,) it appears to me hopeless to expect that any considerable effect is to be obtained by any probable refinement of punishment. 'You have been punished repeatedly, and in various forms; is there no hopes of your reformation?' said an acquaintance of mine in France to a thief who was about to quit a prison. 'Look you,' said the thief; 'I am by trade a tailor. As a tailor I earn three francs a day. As a thief, I keep myself within the bounds of moderation (*je me range*), but I get not less than thirty francs a day. Would you be honest for that?' My acquaintance was silenced by the reply. I think I have heard, that when Baxter, viewing the strength of temptation, saw a thief go to execution, he used to exclaim, 'But for the grace of God, there goes Richard Baxter.' I think we should dwell on the enormity of the daily offence of 'leading men into temptation' by the neglect of preventive measures. As to their practicability, see par. 198 of the First Constabulary Force Report. See also par. 65."

* It has been urged, in favour of the system, that the French are designing to adopt it. That nation certainly are sometimes in danger of being led into ill-considered measures by their eagerness for "ships, colonies, and commerce;" but in the present case they are more to be excused for concluding that we should not have so long persevered in a system that was not beneficial, than we are, for having thus persevered against experience. And we deserve additional blame for having thus set a bad example to others; whose rash imitation of it may perhaps (besides the evil done to themselves and to the rest of the world) be eventually the means of leading to a war between the two countries.

Some French writers, however, there are, who, having made the needful inquiries, have perceived and exposed the erroneousness of the system of penal colonies. See, for instance, *De Beaumont & De Tocqueville, Du Système Pénitentiaire aux Etats-Unis, &c., Appendix: Des Colonies Pénales*, chap. 1, 2, 3.

† The evidence taken by the Committee fully establishes the fact that the dread of Norfolk Island has not deterred from crime,—that many have returned there very shortly after discharge,—that it has had no reformatory effect, but has operated rather as the reverse of a preventive of crime. See Examinations of Dr. Ullathorne, Rept. vol. ii. p. 14; Major Wright, do. p. 130; the Right Rev. Dr. Polding, Rept. vol. ii. App. p. 266, and the Rev. H. T. Stiles, do. p. 267. The last-mentioned witness thus sums up his opinion;—"The effect, then, of banishment to Norfolk Island, as a preventive of crime in this colony, I conceive to be of the least assignable value possible. One reason why these effects are no greater than they are is

dened and corrupted than they were originally, to let them loose on the Australian colonies, so as to keep up a continual stream of fresh pollution flowing into a community which we have already so shockingly contaminated. To persevere, I say, knowingly and deliberately in thus creating a profligate nation, and by continual fresh supplies making and keeping it from generation to generation the most hopelessly corrupt community that ever the sun shone upon, would be a national crime and folly which I do trust there is too much good feeling and good sense among us to endure. To enter into all the details of the particulars which shew what sort of a population that of a Penal colony is, would be no less superfluous than tedious; as these are already before the public in the minutes of the evidence heard by the committee. But a tolerably correct notion may be formed, by simply referring to some of the population returns which have been made. It appears that in 1836 the population of New South Wales was 77,000; of which about 28,000 were actual convicts under sentence, and about 17,000 emancipists, that is, convicts whose terms had expired; so that there were only about 32,000—little more than two-fifths of the whole population, who had not been convicts; and even of these a considerable proportion are, of course, the children of convicts. But further, when we remember that the population return of 77,000 is inclusive of children, and that all the convicts and emancipists are adults, the real state of society will appear still more shocking, for supposing that of the 77,000 about 17,000 were children, and considering that the free emigrants are in a great part young married people, the adult population will be reduced to 60,000, of which 45,000 are either convicts, or emancipists—so that a community is thus exhibited, of which three-fourths have been convicted felons! And when to this is added the circumstance that it appears the proportion of males to females among the convicts is six to one, and in the back settlements of the colony, seventeen to one, the consequences are such as may be faintly conceived, but cannot be, in this place described. The unutterable licentiousness prevailing among both sexes, as may be collected from many parts of the evidence, exceeds, if possible, even what might have been anticipated from the collection together of such a multitude and variety of profligate characters, so much outnumbering the sounder parts of the population. In bringing forward, on several occasions these facts—painful facts certainly, but, since facts they are, most important to be pressed on the attention both of Government and of individuals, I have been accused of calumniating the colonists—of casting injurious imputations on their character, on slight and insufficient grounds. But let it be observed, that I have never spoken but of the general character of the society, which I have described as it is represented by the testimony—the uncontradicted testimony—of numerous eye-witnesses. I have never cast any censure on individuals. I have never expressed—I have never had—any doubt that there are individuals in those colonies of perfectly unblemished character, who have preserved—and it is greatly to their honour—themselves, and what is much more still, their families, untainted by the surrounding neighbourhood—by what Sir Francis Forbes, no unfriendly witness, describes as "the most contaminating community in the world."* It is of that community, and of its general tone of morals and manners,† that I have always been speaking. That it contains

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sufficiently obvious. The punishment is not visible in this colony, and therefore does not operate very powerfully *in terrorem*. My own district affords me an illustration of this truth. Two or three young men from the currying have within no very long space of time been transported to Norfolk Island; one of them is named Allsop, and was sent for cattle-stealing; but the same crime is, to say the least, as common in the district as ever; it is committed without reflecting upon Allsop's case, for he being out of sight, is also out of remembrance." The testimonies above cited, taken together, go far to confirm the expression quoted in the official paper, p. 9, "When a man comes to this island he loses the heart of a man," &c.

* Evidence, vol. i. p. 89.

† The moral state of society in the penal colonies is described by the Transportation Committee under the fourth head of their inquiry. See Report, pages 23 to 33. See also Evidence of Mr. John Russell, vol. ii. p. 49—62. of John Barnes, esq. vol. ii. p. 46—49; of Dr. Ullathorne, vol. ii. p. 14—24, &c. Also Captain Mackonochie's separate Report on Van Dieman's Land, and Mr. Justice Burton's Charge, Appendix to Transp. Report, vol. i. p. 289. These witnesses, without citing more, will be found fully sufficient

worthy and truly respectable individuals, I never doubted; and what is more, I am perfectly confident that all the individuals in the colony of that description, be they many or few, will, instead of being displeased, be gratified by the course I am pursuing. Although, therefore, I should not shrink from that course, though it were to be censured by all the colonists, or by all mankind, I am convinced that the truly respectable settlers, and all who have the best interests of the colonies at heart, must concur with me in this matter. I say this, because it is evident from the very nature of the case. There may indeed, be men who are what is called "respectable," in point of fortune or station, who may be influenced by views (though to me these seem mistaken views, even in respect of pecuniary profit and loss) of their own immediate interest, to wish for a continued importation of convicts. But for a man, respectable in point of real moral worth, to wish for a continuance of the system which has already made the community he lives in the most contaminating community in the world, would be a contradiction in terms. Such a man cannot but wish, on the contrary, for its purification, by the stoppage of that foul stream, and the influx of emigrants of good character in their stead. And it is manifest that there cannot be a greater impediment, in every way, both to the emigration of honest labourers, and to the influence of those who do arrive on the tone of society, than continual fresh additions of people of tainted character. It is, therefore, I say, impossible but that all the really worthy,* pure and upright individuals in the colonies, be they many or few, must prefer a moral to an immoral population, and must consequently be disposed rather to thank than to blame me, for labouring to put a stop to the evil from which the character of their community has suffered so grievously. But documents have lately been produced emanating from persons, some of them holding high stations in the colony of New South Wales, advocating the continuance of the assignment-system, and representing the state of society as totally the reverse of what I have described, and what has hitherto been generally believed: and on the strength of these documents, (without any reference whatever to the evidence before the committee, or any notice of of such a committee having ever sat) I have been held up to censure as rashly bringing injurious and groundless charges against the colony. And what is truly astonishing, I have been spoken of as having hastily given credence to some unknown private informant, nobody knows who! My Lords, I need hardly repeat that I have all along referred and appealed to the evidence given—the evidence of about twenty-four persons—before a committee of the other House;—to the report of that committee, and to sundry other printed and published documents containing the testimony, among others, of some of the principal persons who now come forward to give an opposite representation.* The language of reprobation in which I have spoken is certainly in itself strong, but much, very much stronger language would have been fully justified by the evidence adduced; as any one may easily see by even a slight glance at that evidence. But if we are to believe the documents brought forward of late (too late, it may well be said) by the defenders

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to show how truly Sir F. Forbes characterised the state of society.

* In some of the newspaper reports, the word "wealthy" was, by mistake, substituted for "worthy," The difference is of no small importance in all countries, but in none, perhaps, more important than in the colonies in question. It is well known that among the emancipated convicts are to be found individuals who have accumulated very large fortunes, and the transportation report gives an account of one who possessed 40,000*l.* per annum. See evidence of Dr. Lang, Report. vol. i. p. 254; and of Mr Mudie, ditto, p. 112. The means by which the wealth was in this instance acquired, were principally by keeping a public-house, to which dissolute emancipist farmers were enticed, and where they were in the habit of remaining for days together in a state of intoxication. On recovering their senses, the farmers found themselves charged sums exceeding their means of payment. Thus they fell into the power of their host, and were obliged to return to his house, from time to time, till the debts became such as to enable him to dispossess them of their estates, and he had thus actually become the proprietor of a great portion of the cultivated land of the colony. In this sort of way, it appears that not only the emancipist referred to, but many others, have acquired great wealth,

* See particularly the charge of Mr. Justice Burton to the jury of the supreme court at Sydney, Transp. Report, vol. i. Appendix p. 289.

of the system, we must conclude all that evidence given in 1837, and again in 1838—by persons of various stations and professions, and of various opinions also as to the subject in question—we must conclude all this concurrent testimony to have been from first to last a series of falsehood and misrepresentation. This is rather a strange supposition, but far more strange, that if this were so, all this evidence should have remained for so long a time unrefuted and uncontradicted. The committee sat first in 1837; the evidence was published, and must have found its way to Australia—to the very place from which materials for refutation, had there been such, might have been supplied. It sat again in the following year; a fresh body of evidence was published, and subsequently a report referring to that evidence—all this has been before the public for nearly two years, and great part of it much longer; yet in all that time, not even an attempt has been made to invalidate the testimony of the witnesses. But now, at the eleventh hour, without any disproof, or even any notice at all of that testimony, statements and descriptions utterly at variance with the whole of it are boldly produced, and unhesitating assent to them demanded. If the severest censure would have been due to me, as it certainly would, for rashly and on slight grounds making such representations as I did make, what censure do those deserve (if there were any such persons) who knowing or believing that all the evidence given was a tissue of fabrication and calumnious misrepresentation, yet left it undetected, unrefuted, uncontradicted? Month after month, and year after year, all this evidence was before the public; and yet those who now assume that the whole of it is a mass of falsehood, and pass heavy censnres on any one who has given credit to it, never offered themselves as witnesses—never brought forward witnesses before the committee—never, when the evidence was published, put forth any attempt at disproof or denial of the testimony given, though some of them must have seen their own written statements cited as part of that testimony. But in fact no one of common sense can doubt that the evidence would have been disproved long since, had it been capable of disproof; and that all who are really well acquainted with the facts are well aware that it is perfectly true. And when they reproach and stigmatize as a libeller one who states what that unimpeached evidence has proved to be the truth, let any fair-minded man judge against which party the charge of calumny will lie.* I have met with some persons, however, who set light by all such evidence, and who seem to take for granted that a Parliamentary committee must of course be partial, and that all their examinations and the testimony of all their witnesses, must flow down the current of that partiality. And accordingly, in the present case, because the committee was called for by persons having a bias unfavourable to transportation, and the hon. Baronet who sat as chairman was disposed to disapprove of the system, it is assumed that all the evidence taken is to be regarded as *ex-parte* evidence—as designed to make out the best possible case against penal colonies, by exaggerating on the one side and suppressing on the other. That the very reverse of this is the fact, I can bear testimony, from having not only read the evidence, but been present at several of the examinations; and any who has looked into even a portion of the published documents is competent to confirm my testimony. Not only were several witnesses examined who were evidently anxious to give as favourable an impression as possible of the existing system, but several members of the committee exerted themselves (I am far from blaming them for it, for I think their exertions were laudable) as advocates for the penal colonies; endeavouring to elicit everything that might place them in a favorable point of view, and to detect any exaggerations or misstatements on the opposite side. That the result was to expose the whole system and every part of it, as a complete and most lamentable failure, is to be attributed solely to the irresistible force of truth when brought to light by open investigation. The system was proved at once to be incapable of vindication, as soon as the facts were made known. But as to the committee, whatever bias there existed in it, as a body, was rather on the opposite side. Of this any one may satisfy himself by inspecting the report. It is, as a whole a clear, well written, and masterly document, exhibiting the natural results of the evidence taken; based on and arising out of that evidence. and resting all its conclusions and all its recommendations, with one or two exceptions, on the facts elicited, and not on gratuitous assumptions or unauthorized conjectures. The exceptions I allude to are, the recommendation to encourage the emigration of free labourers to the penal colonies while still receiving annual supplies of convicted felons;* and again, the recommendation of continuing to maintain penal establishments in the colonies.† If any will take the pains to compare with the evidence given, the report generally, and also these particular portions of it, he will plainly see, that while the general tenor of it is fully in accordance with the facts proved, and is logically deduced from them, these particular recommendations on the contrary are quite unwarranted by the evidence, and, indeed, wholly at variance with it. Now, these portions of the report were introduced, against the judgment, as is understood, of the chairman, but, of course, in conformity with that of the majority of the committee; whose bias, therefore, as far as there was any bias, was manifestly not towards the conclusions which the evidence tended to establish. Let any one, I say, but compare the two documents together, and he will be struck with the contrast between the two portions of the report I have been alluding to. The one part,—the main body of the report—seems to spring naturally out of the evidence like a tree growing from its own roots: the other part looks like a graft, with totally different foliage and fruit, brought from elsewhere, and inserted into the stock:—

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* "It is about four years (viz. in 1834) since the article appeared in the London Review, on the second edition of Mr. Cunningham's book. Other evidence to the same effect had been still longer before the public. Why then did no one, long ago, step forth to denounce these witnesses as pernicious slanderers; which they must be, if their statements are untrue? Why did those who had the best opportunities of knowing the truth, suffer such malicious misrepresentations to circulate all that time, uncontradicted? The answer is obvious, because the inferences from these had not from the first been insisted on, and pressed on the public attention. As soon as the conclusions are drawn, then it is that it is found out, for the first time, that the premises are false. The evidence, it seems, might have remained for ever uncontradicted, had not I and others pointed out the obvious deductions from it. And why, again, is there even now no disproof offered of this evidence?—no attempt to impugn it except by bare unsupported denial? The obvious answer is, because it is true—too true to be disproved; and yet too conclusive to be admitted.—*Second Letter to Earl Grey*, pp. 65, 66. And let it be remembered, that three years subsequent to the publication of the above passage (during which interval no attempt at refutation was made) the first committee of the House of Commons was appointed, thus giving a new opportunity and call to those who might be willing and able to impugn what had been alleged. But instead of any thing of this kind all that came out before that committee tended to confirm those allegations. Yet, after the lapse of another interval of three years, the advocates of penal colonies are not ashamed to come forward, in the face of all evidence, and of their own tacit admissions, to censure me as bringing rash and unfounded charges.

> "Miraturque novas frondes, et non sua poma."

I have said that the recommendation of sending out free emigrants into the penal colonies, while they are continually receiving from Norfolk Island, or elsewhere, fresh supplies of emancipated convicts, is not borne out by the evidence, but is directly at variance with the conclusions that evidence would naturally dictate. To prove as fully as might be done the truth of this assertion, would be to cite the greater part of each witness's testimony. They almost entirely concur in giving such a representation of the moral condition of that community, as to shew, that even if the importation of criminals be stopped from this day forward, still the task of regenerating such a society by the infusion of better materials, would be a most delicate and difficult task; requiring to be undertaken with the most deliberate and systematic care, lest in addition to a failure in the object proposed, we should increase the very evil to be remedied; — lest, instead of improving the colony, we should contaminate the emigrants. But if into a society in so unsound a state, and on which, "with all appliances and means to boot," it is so difficult to effect a moral cure, the seeds of fresh disease are to be continually brought, by the annual importation of a new set of liberated criminals, then, to think of bringing the colony into a healthy state by enticing honest labourers to settle there, does seem most preposterous. As well might any one think to purify one of the London sewers through which a continued stream of filth is flowing, by pouring in from time to time some cupfulls of pure water. Yet I have been by some persons severely censured, and even taxed with inconsistency, for complaining of the bad state of society in the penal colonies, and yet discouraging the emigration thither of respectable persons; which is the only mode, I have been told, of what is called "swamping the felonry,"—of giving a new character to the society—of converting, one might say, into sound wine, a cask full of vinegar by adding a little sound wine to it. And hopes and expectations have been expressed that the advice I have given to those who have consulted me as to the place to which they should emigrate, will not be listened to. Perhaps my efforts may prove unsuccessful. Some persons indeed have been influenced by my advice; but neither in this nor in any other point, can I expect to prevent all the evil, and accomplish all the good, that I could wish. At all events, however, I shall have cleared my own conscience, by the endeavour; nor will I ever while I live, relax my endeavours, at any man's bidding. For how could I have enjoyed a clear conscience,—how could I have lain down peaceably in my bed, if I had incurred the responsibility of inducing an emigrant of good character to expose himself, and, perhaps, a family of innocent children, to the frightful risks of such a moral pestilence? What ought I to have said, when my advice was asked by persons disposed to emigrate? Should I have described the state of things in a penal colony in their true colours, and still recommended emigration to such a colony? Should I have told them in plain terms, go by all means, to settle in such a neighbourhood as in any part of Europe would blast a man's character if he were known to have lived in it;—one, compared with which the foulest haunts of debauchery and crime in this metropolis are decent and respectable: to go to a country in which three-fifths of your neighbours, including some of the wealthiest, will be convicted criminals, and a considerable portion of the remainder, the children of such; and into which an annual reinforcement of hardened villains is poured by hundreds and by thousands: where you will have around you thieves and ruffians, and the vilest of prostitutes, such characters being not at all confined to the meanest situations; but a large proportion of rich tradesmen and farmers, inn-keepers, policemen, jurymen, schoolmasters, being convicted felons; where such monstrous licentiousness as in this country could not be spoken of, from its being too horribly disgusting, is among them hardly spoken of, perhaps from its being too common to be noticed; where the servants you may engage, besides plundering you of property, will be likely to combine,—the males and the females,—to corrupt your innocent children* in a way too shocking to describe; your children, who will also be early familiarized in every other way to such language and such scenes as are the most polluting to the youthful mind, and who will probably receive the rudiments of education from some convicted swindler? Should I have told these plain truths (for they are established, and much more than established by the evidence), and still have advised the emigrant to go, as a forlorn hope, as it were, against this strong hold of depravity, and to sacrifice himself by way of helping to fill the ditch before the fortress, while fresh supplies of depraved characters are incessantly pouring in from another quarter? No; that would not have been a promising course for alluring settlers. I ought rather, I suppose, to have imitated the proceedings of some agents, who, I am sorry to say, are going about the country distributing tracts that profess to describe these colonies, and circulating in every way such accounts as are likely the most to entice men to emigrate thither.† I should have dwelt, I suppose, on the fertility of the soil,—or the salubrity of the climate,—or the ample wages paid for labour; and have suppressed all notice of anything objectionable in the moral condition of the population! For such, I grieve to say, is the character of the tracts I have alluded to: such are the delusive arts by which innocent females and honest and industrious labourers have been entrapped, and well-meaning and benevolent, but incautious persons among the gentry have been drawn in to countenance and aid the scheme. An attempt was made a few years since, under the patronage of several most respectable and well-intentioned individuals, to remedy the evils arising from the frightful disproportion between the sexes in those colonies, by sending out an entire ship-load of young women of unblemished character. Care was taken to receive none but such as brought certificates of good conduct from the ministers of their parishes, or some other responsible person; like the garlands with which the Hindu adorns the human sacrifice when just about to perish in the flames. I earnestly deprecated the plan, foreseeing and foretelling the deplorable results. We have it in evidence,[*] that, as might have been expected, nineteen-twentieths of these unfortunate creatures were swept down the strong current of licentiousness which prevails in those regions, and which no ordinary strength can be expected to resist. All attempts of this kind, as long as criminals shall continue to be poured into these colonies, must be not only hopeless as regards the object proposed, of reforming the vicious, but positively mischievous also, by corrupting the innocent. It is bad enough to preserve and perpetuate vice, by crowding together depraved characters, and making them the progenitors of a new nation,—in the course of a century probably a very numerous nation—formed, as if on purpose, of the worst possible materials; but it is yet an aggravation of the absurdity to add to this the moral ruin of those who were originally, and might have remained, untainted characters, by throwing them, along with fresh importations of villainy, into this sink of corruption.

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* Report, p. 35.

† Report, pp. 43, 44,

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* See evidence, vol. ii., p. 55, 56, (Mr. Russell's.) See also vol. i., p. 96, for an account of the horrible fate of Captain Waldron. If I were knowingly to recommend any one to take as a servant a man whom I believed likely to assail his master with the knife of the midnight assassin, I should be deemed almost an accessary to the murder. But it would have been meritorious, it seems, to recommend a man to settle in a neighbourhood where hardly a servant can be found who could in this country obtain a character;—where a master is torn to pieces by his female servants at noon-day!

† One of these tracts printed at Exeter, and industriously circulated by an emigration-agent there, after mentioning several other colonies, all of which are greatly disparaged in comparison of New South Wales, proceeds to describe this last in glowing colours, not only in respect of soil and climate, but in all that pertains to its literary, moral, and religious character, and its "manners and customs," which are, it is remarked, "the same as in England;" and then sums up a most alluring description by adding (what certainly is more than could be said with truth of England) that "the wild dogs are the only source

> "So long," says a witness[*] by no means hostile to the system, "as it is deemed expedient to banish British criminals to this colony, so long must the amount of depravity in it be such as to make it the most contaminating community in the world."

The only possible mode of overwhelming the evil,—of regenerating such a community,—is by first stopping at once the polluted stream now flowing into it by the continual introduction of fresh criminals, and then taking measures for sending over honest and uncorrupted settlers in large bodies at once;—not by hundreds, or by thousands, but by tens of thousands: so that they may at once exert a preponderating influence, and form a public opinion among themselves. A great pile of green wood thrown all at once upon a fire, may perhaps extinguish it: but if the same quantity be cast on by a few billets at a time, these will be kindled and consumed, and will increase the fire; more especially if at the same time you continue to pour oil on the flames. Under the proposed system therefore, as well as that hitherto pursued,—under any system which continues the importation of persons who have been convicted of crime, all the efforts this country may make for the advantage of those colonies, will tend only to increase and extend the mischief; because the more such a colony flourishes in respect of worldly prosperity, —the more its population increases (as it is likely to do most rapidly, with a practically boundless extent of territory),—and the more of commercial and political importance it acquires,—the more will its evil tendencies be developed,—the more widely and the more powerfully will it diffuse its pestilential taint; till it become a most portentous curse, as well as disgrace, to this nation, and to the world at large. But the real state of the case is one so painful to contemplate, and the remedies called for involve so much forethought, care, and trouble, as well as firmness in coping with difficulties, that

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of annoyance!" Perhaps there may be in the term "wild dogs," some hidden meaning according to which the description may be nearly true; but in the literal sense, it does seem (in the face of such evidence as is before the public), one of the boldest assertions that ever was hazarded. Well did Cicero remark, "*Qui semel verecundiæ fines transierit, eum oportet bene et gnaviter esse impudentem.*"

[*] See Evidence of Peter Murdoch, Esq., Report, vol. ii., p. 113; of Mr. John Russell, do. p. 59; of Dr. Ullathorne, do. p. 22; and of Mr. John Marshall, do. p. 90.

[*] Sir Francis Forbes; Evidence, vol. i., p. 73.

one may find many persons content to turn off the subject with the consolatory reflection that, after all, crimes are committed,—vices exist, in all colonies—in all communities—and of course, in penal colonies among the rest:—and that abuses have taken place in prisons, and must be expected to occur occasionally under any system of secondary punishment that ever was or can be adopted. And the conclusion practically drawn amounts, in plain terms, to neither more nor less than this:—that since no human institution or system can be exempt from imperfections and evils, therefore all that is alleged and proved respecting the especial imperfections of the punishment of transportation—the peculiar evils of penal colonies should be disregarded, and go for nothing. On such a principle, equally futile are all questions about laws universally, since none can claim perfection:—about governments; since cases of abuse may be made out under every government, about the healthiness, or unhealthiness of different climates; since men are liable to disease and to death, both in Sierra Leone and in England, &c. In short all the most momentous questions that ever were discussed, might be got rid of at once by this summary mode of arguing. But men never do proceed on such absurd arguments in cases where they are really in earnest; that is, when their own interest and immediate welfare are concerned. In fact, any man who did so proceed in his private affairs, would be deprived by a court of justice of the management of his own property; he would be pronounced of unsound mind, if in those transactions of life which are justly supposed to call forth what powers of mind a man does possess, he should so set all computation at defiance,—should appear not to understand what is meant by proportion, or by quantity. For instance there are crimes, and there are convictions for crime, in New South Wales; and so there are in England, and in all countries; where then is the difference? Why, that murders, attempts to murder, and other crimes of like magnitude are as common as petty larcenies in England;—that if in this country there had been, in the course of the last year, 7,000 persons executed, besides 10,000 more capitally convicted, and 120,000 convicted of minor felonies, then (in proportion to the population) this country and the penal colonies would be on a par in respect of crimes and punishments:—that there are there as many capital convictions (in proportion) in one year as in Ireland—a country not celebrated for obedience to the laws,—in three centuries:—that putting out of account all the convicts under sentence, and all the emancipists, who are three-fifths of the population, and taking only the soundest part of it, the free emigrants, and natives, it appears that the proportion convicted of various offences among these persons alone,—this select portion, who are likely, we have been told, to be more strict in their morals than the population of the mother-country,—is nearly three times as great as in this country; and finally, that those most favourably disposed towards the interests and the credit of the colony of New South Wales, admit it to be "the most contaminating community in the world." There is vice—there are infamous characters—at home, as well as in those colonies, and what is the difference? Why this: that if in the British Islands there were 12,000,000 of convicted felons, many of them among the wealthiest members of the community, then the state of society here would be on a par with what exists in those colonies! Is all this to be practically overlooked, and passed over with the general, sweeping remark, that there are vices and crimes in all countries? Am I not borne out in saying that a man would be pronounced insane who should, in his private concerns, manifest such a total incapacity of estimating the comparative magnitude of two evils;—who should be utterly insensible to the most monstrous disproportion between two objects? And would it not be almost insanity for us to persevere in acting on such principles and plans, after the absurdity of them, as well as their noxious tendency, have been so long and so fully exposed? We have as it were founded, and endowed, and patronized a "University of Wickedness:" it would surely be inexcusable to go on cherishing and supporting it, and supplying it with continued reinforcements of criminals and free settlers thrown together,—the teachers as it might be expressed, and the learners, of villainy and profligacy;—till the whole shall have grown up into a numerous and powerful nation, exhibiting on a great scale a strange and appalling specimen of the utmost point to which the human race can be degraded and depraved by a system,—apparently, and as it would strike a by-stander—devised designedly and most ingeniously contrived for that very purpose:—

"By curse
Created evil, for evil only good:
Where all life dies, death lives, and nature breeds
Perverse, all-monstrous, all-prodigious things,
Abominable, unutterable, and worse
Than fables yet have feigned, or fear conceiv'd."

But if such mischiefs result, it is often urged,—from turning loose on society those who have been convicted of crimes, it is the more important that we in this country should secure ourselves from that evil, by getting rid of such characters, and settling them permanently in a distant land. Now, if all who are transported were sentenced to exile for life, instead of being allowed to return, as it is well known they frequently do, almost always, more hardened and more accomplished villains than before, and if the punishment of transportation should be so regulated as not only to be in reality severe, but to be a terror, instead of what it has oftener been hitherto, an encouragement to offenders,—so as no longer to raise up a fresh stock of criminals,* in place of those who are thus, as it is called, "got rid of;" then, there would be at least an apparent policy in such a course,—a specious plea of present selfish expediency, involving no inconsistency at least with the principle of looking only to our own benefit, with an utter and avowed disregard of all justice and humanity,—with an entire carelessness how great evils we might inflict on others, so we could avoid a far smaller inconvenience to ourselves—with an unblushing contempt not only for the welfare of the rest of mankind in general, but of the rest of the British empire. But disgusting as is an open and undisguised selfishness, there is something still more offensive in the inconsistency of professing a sedulous care for the welfare of the very parties whom we unscrupulously sacrifice on the altar of our own apparent self-interest. It seems to be an adding of insult to injury, when we thus pretend to be seeking alike the good of the colony and of the mother country, and yet apply totally opposite principles to the one and to the other. For example, when statements are made unfavourable to the character of the society in those colonies, an outcry is raised by some persons against these alleged "libels upon our fellow-subjects,"—our beloved brethren: when it is proposed to deprive them of the supposed benefit of convict-labour, or to dissuade emigrants from going thither, then forsooth, the colony is a portion of the British empire,—a jewel in the Sovereign's Crown,—a flourishing, and promising, and deserving community, whose rights and interests ought to be as dear to us as our own. But again, when any one points out the cruelty of overwhelming a small and infant community with the outpourings of all the scum and impurity of this great empire, and the moral ruin which in so limited a society such a preponderance of vicious ingredients must produce, then, it seems, the case is quite altered: then, the cry is, let us not have these bad characters let loose upon ourselves; let us get rid of them at all events; send them to a distance,—to an Australian colony; they are too bad to be kept at home, but they are good enough for New South Wales. Our dear brethren at the Antipodes—our esteemed and honoured fellow-subjects, are not worth a thought, when any advantage or convenience to ourselves is at stake! But again, we are told that the severe system which is henceforward to be carried on at Norfolk Island, will reform the convicts, who are to be then carried to New South Wales and Van Diemen's Land, where they will prove a great advantage to those colonies, in their new character of steady, honest, industrious labourers. This is at least conceivable and intelligible, how much soever it may be at variance with probability: we have only to cherish the sanguine hope that the discipline of the Government-chain-gangs, as they are called, will from henceforth produce effects the very opposite to what they have always hitherto produced,* and the picture may be realised: such views, though inconsistent with reason and with experience, are at least not inconsistent with themselves. But then, when any one points out the superior advantages of having our penitentiaries nearer home, instead of at a distance of four months' voyage, with a view of avoiding both the heavy cost, and, much more, the corrupting effects, of a long voyage, and especially, for the sake of being able to exercise a vigilant and ready superintendence, then rises the cry of alarm, what is to be done with the criminals when discharged from penitentiaries at home? How will it be possible to live in the country if such a multitude of miscreants are let loose upon society? The same penitentiary discipline, it seems, which would, in Australia, send forth reformed characters, would, in Europe, send forth none but intolerable pests of society: the discharged convicts who would there be so well-conducted as to be a blessing to the community, would here prove an unconquerable and unbearable pollution! This is as if one should maintain that a bucket-full of some filthy or noxious substance, which, if thrown into the Thames, would pollute and poison the whole river from its source to its mouth, would have no ill effect at all, if cast into a small well. Then again, if any proposal is made for the establishment of penitentiaries in this country, or near our own shores, a clamour is immediately raised against the apprehended expense to be incurred; and we are told of the abuses that are likely to take place in penitentiaries, and what a strong case may be made out against them; but if the penitentiaries are to be established in the southern hemisphere, the case, it seems, is altered for the better; the estimates are lowered, though all circumstances are manifestly such as to enhance expenses;—we are no longer to feel apprehension of abuses, and of difficulties of management; all is to go on well, so the penitentiaries are but established at 16,000 miles' distance. And on several other points* besides those which I have been adverting to, I have found opposite statements made, opposite reasonings resorted to, opposite principles maintained,—according as each might serve a present purpose,—might vindicate the measures of selfish policy, or of temporary ease and convenience. Now, what man of common sense and of candour can fail to perceive the inconsistency—I may say the disingenuous inconsistency—of this procedure;—of pretending to be actuated by reasons and by motives which are instantly discarded whenever it suits our purpose? The fact is, that distance is especially favourable to those who wish to prevent, not the existence of abuses, but the knowledge of them. Actual complaints are diminished by the very cause which increases the just grounds of complaint. To those who are thinking only of keeping up appearances, the ten-fold aggravation of evils in a distant colony is as nothing, so long as they are less forced upon public attention. But those who would perform the office of wise and honest legislators must not shrink from grappling effectually with difficulties near at hand,—must not satisfy themselves with merely keeping them out of sight, or letting their apparent magnitude, like that of the heavenly bodies, be diminished by distance from the unreflecting spectator; must seek not to evade detection, but to provide remedies. If we look to the real magnitude of difficulties — the actual

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* See first Letter to Earl Grey, pp. 76, 77.

* That as a place for the reformation of criminals it is worse than useless, is unhappily a fact too notorious to be contradicted; and if it be true, as no doubt it is, that our present statutes propose the reformation of the offender as well as his punishment, then "this place is of all others the least calculated to produce so desirable a result; and in a moral and religious point of view, the consequences,

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not only to the wretched beings themselves, but the colony of New South Wales at large, are dreadful to contemplate."—*Papers Relative to Transportation, &c.* Session 1839, No. 582, p. 9.

[*] "Each objection, as soon as brought forward, is eagerly met by such statements and representations as the case may seem to call or, supported as strongly as bold and vehement assertions can support any thing; and then the advocates seem to calculate on the reader's not only being perfectly satisfied with what is said, but immediately afterwards forgetting the whole of it; so as to be prepared to receive from the same pen representations the most opposite to the foregoing, calculated to meet some different objection."

"At one time we find the situation of the convict painted in the most favourable colours, as one of considerable present comfort, and full of cheering confidence of speedy and complete restoration (on the supposition of tolerably good conduct) to a respectable place in society, with such advantages in respect of worldly prosperity, as the individual could not elsewhere have hoped. This is to shew the utility of the system as a mode of reformation. Then, to shew its utility as a mode of deterring from crime by terror, the picture is reversed, and the same convict is represented as undergoing the most galling and degrading slavery—as suffering the most unmitigated misery, and branded with the most indelible disgrace."—*Second Letter to Earl Grey,* pp. 41, 42.

amount of mischief,—and not, merely, to the impression produced on men's minds at home, we shall see at once that the difference between the mother-country and a distant colony is precisely the reverse of what the advocates of transportation assume it to be. It must be, of course, an evil to any community to have discharged convicts thrown loose on society; but in a penal colony it must be, from the nature of the case, incomparably a greater evil than in this country. Such a colony is the worst possible place for the liberated convicts; and they are the worst possible settlers. In this country,—in almost any country except a penal colony, the discharged offender finds himself in a society, the general current of which runs counter to such conduct as he has been suffering for: the wealthiest persons, and those filling respectable situations, are (if not honest men) at all events not convicted criminals, but persons at least pretending to unsullied character: he has therefore the strongest inducement, from example, and from interest, to seek to obtain and to preserve a good character: and he has generally the opportunity of fixing himself apart from his former associates, where his former delinquency is not known; and is thereby encouraged, as the phrase is, to turn over a new leaf. And under such an improved police-system as any one may see from the published Report of the Constabulary Force Commission to be both practicable and much needed, there is every reason to hope that not only the number of such characters will be greatly diminished, but also that they will be, in many instances, led to betake themselves to honest courses; especially if they shall have been subjected to the discipline of a well-regulated penitentiary on the separate system, which, even where it fails to reform, at least produces no fresh corruption, —introduces a man to no fresh associates in vice. This is not, I am happy to say, a mere conjectural speculation,—a sanguine anticipation; but, I may almost say, a fact which has been experienced. A result at least strongly illustrative of what I have been saying, took place at the time of the late reform of the English poor-laws. Your Lordships may remember what multitudes of men were at that time out of work, ostensibly from want of demand for their labour, but, in truth, from their preferring to eat the bread of idleness;—living on parish allowance, disorderly, slothful, and, not seldom, engaged in smuggling, poaching, and pilfering.* But when these men found that they were no longer to subsist as drones, at the expense of the industrious, the far greater part of them sought employment with a sincere wish to make themselves serviceable; and, in consequence, almost all of them found it; and have been long since absorbed into the labouring population, and generally without even finding it necessary to change their abode. Now this affords good ground to hope for the reclaiming even of discharged convicts, in a well-ordered community. But in the penal colonies, nearly all these favourable circumstances are totally reversed. The emancipated convict, there, finds a society in which three-fifths of the total population are tainted with crime, and above a third of the free population,—including most of the wealthiest emancipists like himself. And a large portion of the remainder also being the offspring or kindred of criminals, this preponderance of known and avowed criminality gives, of course, as the evidence too plainly shews, a complete character of its own to the society. Not only is every kind of profligate example to be found everywhere close at hand, but a debased and depraved public opinion is established. The current sets, as it were, against temperance, against purity of life, against integrity, and virtue in general. In such a community, the moral standard being lowered, it may be expected that such persons as would be in very low repute in most parts of Europe, will be regarded as highly respectable characters; because, in every society, those will be so considered who are considerably above the average, and belong to "the better sort," as compared with the generality. And again, persons of eminent firmness of character may resist altogether the contagion of the surrounding immorality. But this surely is not to be looked for in the discharged felon, even though he should be one not incapable, under favourable circumstances, of being reformed. He is placed in circumstances every way the most unfavourable, when not only surrounded with every variety of bad characters, but also fully aware that they are acquainted with his delinquency, and conscious that he knows theirs. Such men, so circumstanced, are fully qualified to keep each other in countenance in everything that is evil. They may be said to be, in a certain sense, irreproachable characters; since each of them, however depraved, is surrounded by his neighbours who cannot fairly reproach him for it;—who serve as mirrors to reflect the image of his own vices. Discharged convicts, even when partially reformed in character,—and not, as appears to be invariably the case with the Norfolk Island convicts, incurably hardened and depraved,—when thus thrown together, may be compared to half-quenched firebrands, which, is scattered abroad, are soon extinguished, but if piled into a heap, will kindle each other into a blaze. In such a society accordingly, one might expect to find just that state of things which, the evidence proves but too fully, we do find. There is, as it were, a continual conjugating and declining of villainy and profligacy, through every mood and tense,—every person, gender, and number: it is, " I am a rogue: you are a rogue; he is a rogue; she is a rogue; we are rogues; they are rogues; we have been rogues; we shall be rogues; be thou a rogue;" &c. &c. And terms far more abominable than " rogue" might with equal truth, I fear be superadded.* In such a community, with a fresh stream of pollution continually pouring into it, to expect that free settlers of ordinary good character will remain uncontaminated, or reformed offenders be confirmed in good conduct, and not relapse into vice, would be most extravagantly sanguine: but to expect that the vicious will be reclaimed, the unreformed convict become a virtuous character, in the midst of every encouragement and temptation to vice, would be downright infatuation. That such a colony therefore is, as I have said, the worst possible place for discharged felons, is as manifest as that they are the worst possible settlers—the most unfit materials for raising up a new nation; and still more especially noxious to such a colony, as is labouring under the very evil which they will continually aggravate. Then, again, in respect of penitentiaries, of whatever kind, all the objections that are brought against them, apply with incomparably greater force to such institutions at a distance of sixteen thousand miles. The expensiveness of the penitentiary system is much dwelt on: and in that point of view, such an institution in a remote colony must be far more objectionable. To Norfolk Island, building materials must be brought at least nine hundred miles; and the transport of the convicts themselves, and of the soldiers who are to guard them, becomes, in the case of a four months' voyage, a very heavy item.† I am almost ashamed, my Lords, to dwell so much on pecuniary considerations, in a case where so much more important interests are at stake—the suppression of crime, the efficiency of the laws, the temporal and eternal interests of many thousands of our countrymen, the character to all succeeding generations of what will one day probably be a mighty nation, and a blessing or a portentous curse to nearly the whole world. But pecuniary considerations have a great—in the present question—an excessive weight. The imagined cheapness (for after all it is but imaginary) of the transportation system has been, I conceive, a principal inducement to many persons to shut their eyes to the enormity of its evils; and it seems still to operate in no small degree, even now that the abandonment of the assignment-system has destroyed whatever recommendation on the score of economy the penal colonies ever could boast. A considerable portion of the expense of the system has been kept out of sight, by not estimating adequately the large share of the military and police establishments of the colonies which belong to them as penal colonies, being beyond what would be necessary except for the convicts. Taking the very lowest possible computation of this and of the other items, it appears that at the proposed establishment in Norfolk Islnd the cost of each convict's punishment (taking four years as the average term) will be not less than 145*l.* Now in a penitentiary in this country, on the separate system, as recommended by Howard, by Hanway, and by the commissioners now engaged in the inspection of the prisons of Great Britain, the expense, on the most liberal computation, does not appear likely to amount to one half of this. The expense of the building is estimated by competent judges at from 100*l.* to 120*l.* per head; the interest of which last mentioned sum (and this is the fair way of computing) for four years, at as high a rate as five per cent, would be 24*l.*: and the maintenance of the prisoners, Mr. Brebner, the intelligent and experienced governor of the Glasgow bridewell assures me, has cost in his prison, on an average of the last ten years, less than 5*l.* per head annually, including the amount of salaries and all other incidental expenses. Taking, however, the double of this, to allow for all possible increase of cost for maintenance, this would amount to 40*l.* for the four years; which, with the addition of the above-mentioned 24*l.*, would make the total cost 64*l.* instead of 145*l*, as the total cost per head of the punishment of convicts. Even, however, if this computation were reversed—if the Norfolk Island system were as much the cheapest of all modes of secondary punishment as it is in fact the most costly, still I should say that the impossibility of exercising that vigilant superintendence which is nowhere more called for than in the case of a prison, would alone outweigh all other considerations. Let any one but reflect attentively on the great and multifarious difficulties connected with prison discipline—on the care requisite for the safe custody of the prisoners, their health, their morals; on the danger, on the one side, of making the prison a desirable abode, and of cruelty or neglect, on the other—let him reflect on the various abuses that have taken place in prisons and penitentiaries of every description, and which have been, strangely enough, brought forward and dwelt on by the advocates of the present system, that is, of the system of having such establishments removed to the other hemisphere; (where to be sure the abuses, though likely to be actually much greater, are less likely to be heard of here,—let him but reflect I say on all this, and the conclusion will surely be, that even a school, a farm, a manufacture, in short any other kind of institution rather than a penitentiary, should be conducted at the distance of half the globe—that this, above all others, requires the prompt transmission of directions, the speedy remedy of defects or abuses, the immediate appointment, whenever vacancies occur, of well-selected governors, as well as the immediate removal of the unfit;* and in short that continual active

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* It is but fair to remark in this place, that what I here say does not apply to Ireland. The people there had no parish-pay to tempt them to idleness: the want of employment, which, in England, was artificial, or a pretext is, in Ireland, real. Whether the same remedy is likely to be equally salutary in two such different cases, remains to be proved.—See *Report of Commission of Inquiry into the State of the Poor in Ireland.*

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* " How can you be surprised," says the Bishop of Australia, " that we have a corrupt population, when you consider the torrents of vice that have been poured in upon us."

* Any foreigner visiting Ireland, and finding the island in a course of being studded over with workhouses for the residence and safe custody of those in distress, including able-bodied men out of work, would not suppose us to be parsimonious in our expenditure for public objects. He might, indeed, perhaps wonder why our procedure was not reversed—why, instead of shutting up honest labourers at home, and sending out criminals to found a new nation in the colonies, we did not rather shut up the criminals at home, and people our settlements with the honest men. But he could not suspect us of unduly sparing expense.

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* "In order to carry this proposal into effect, a prison will require to be erected, capable of holding as many convicts as can be conveniently and profitably employed in the island, and so arranged as to facilitate the adoption of the most effectual means of enforcing an improved system of discipline; and that for this purpose, as no correct estimate can be formed here of the expenses to be incurred in the erection of such a prison at Norfolk Island, I have to desire that you will at your earliest convenience, transmit to me such an estimate, together with a plan of the proposed building.

"In my predecessor's circular despatch, of the 21st of October, 1837, he transmitted to you a volume, containing extracts from the second report of the inspectors of prisons in this country, containing plans of prisons; and I now transmit to you a subsequent volume on the same subject, which will afford you the requisite information on this subject. In the mean time you will consider yourself authorized to incur such expenses as may be necessary for the temporary accommodation of an increased number of convicts in that island; and of those who shall arrive in New South Wales from this country in the course of the present year, you will send as large a portion to Norfolk Island as you think can be properly received there.

"The convicts themselves may be advantageously employed in making this temporary accommodation.

"A small increase in the military guard will probably be required, which you will send from the troops now stationed in New South Wales.

The general principles which are to guide the future management of transported convicts are,—

"1st. That a fixed period of imprisonment should, in the first instance, be allotted for the punishment of the crime of which the prisoner has been convicted.

"2d. That the actual period of imprisonment should be liable to a subsequent abridgment, according to the previous and watchful superintendence and control, which is the very reverse of what can be exercised when it takes about three quarters of a year to make an enquiry and receive the answer. But it is urged that, at any rate, the proposed system must be adopted for the present; transportation to a penal colony must be to a certain extent continued, at least till proper penitentiaries can be built. In answer to this objection, I will venture to throw out a suggestion which was made not long since by my lamented friend Mr. Drummond. I am happy and proud to call him such; for I had, of course, for some years, much intercourse with him, and our mutual esteem and regard was, I believe, continually increased during that intercourse. Not long before the nation was deprived by an untimely death of his valuable services, he was conversing with his usual intelligence on the present subject, and after remarking on the extreme impolicy of removing to such a vast distance an establishment which above all others requires vigilant superintendence, he added, "Why not make Dalkey Island, Norfolk Island?" Dalkey is a small rocky island, the property of the Crown, lying at a short distance from Kingstown. The suggestion evidently was, that either that, or some of the other numerous barren and nearly uninhabited islands (such as Lundy Island, for instance, in the Bristol channel) on the British or Irish coasts, the voyage to which would take about as many hours as to Norfolk Island it takes months, should be allotted to this use, as at least a temporary expedient. I do not think the Norfolk Island system a good one, even if it could be thus brought about 16,000 miles nearer home; but the change would be in all respects a manifest improvement as far as it went; and as an immediate and temporary expedient, would be both practicable and unexceptionable. And if there is any advantage in the name of "transportation" there can be no reason it should not be continued. For in all that I have said respecting transportation, I mean, of course, what is now commonly understood by that term, viz.: transportation to a colony. But then it would be necessary, I have heard it urged, to erect buildings on the island that might be selected; and this would be a work of time. Why such temporary accommodations as were erected in Norfolk Island and the other places where Government chain-gangs have been stationed, when convicts were first sent to them,—such as these could be provided in less than half the time that the voyage to Norfolk Island occupies: so that if it were determined that from this day no more convicts should be sent to a colony, the persons under sentence of transportation, if detained in prison or on board of a ship till due preparation was made for receiving them in one of those islands on our own coasts, and then transported thither, would actually reach their ultimate destination much sooner than if conveyed all the way to Australia. I have said that I do not consider the system as a good one. The confinement and restraint of prisoners by a wall of flesh and blood,—by a rampart of bayonets, and the crowding of them promiscuously together, and then endeavouring to guard against the ill effects of this by the constant presence of severe overseers, must, as experience has proved, have a corrupting effect upon both parties, —must tend to harden and brutalize both the convicts and the soldiers. But as long as we are compelled to resort to such means, that is, till proper restraint by means of stone walls can be provided, it would be a manifest improvement as far

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character of the prisoner, the nature of his crime, and his conduct during his punishment.

"3d. That when allowed to leave Norfolk Island, he should not be assigned to any individual in Australia, but should enjoy advantages at least equal to those of a ticket of leave.

"No prisoner is to be detained in Norfolk Island longer than fifteen years.

"In order fully to carry these regulations into effect, it is desirable that, as far as possible, Norfolk Island should be appropriated to convicts from the United Kingdom, and that persons convicted of offences in New South Wales should be confined in some other part of the colony, or employed on the roads.

"In order to carry the new system fully into effect, the superintendence of it should be entrusted to an officer, on whose qualifications for the duty the best reliance can be placed; he should feel a deep interest in the moral improvement of the convicts, and be disposed to devote his whole energies to this important object. The opposite faults of over severity and over indulgence should be carefully avoided, as alike destructive of any good effect on the prisoners."—*Papers relative to Transportation, &c.* Session 1839, No. 582, p. 17.

as it goes, to get rid at once of one great part of the evil,—a long and costly voyage to a spot far out of the reach of proper superintendence.* The only shadow of argument I have ever heard adduced in favour of a remote penal establishment, is the supposed terror, to some minds, of a very distant place of exile. "*Omne ignotum pro mirifico*" has been cited as applicable to this case. The imagination, it has been said, enhances the dread of sufferings whose nature, from the remoteness of the place, cannot be accurately known. That the opposite effect is full as likely to take place, is not only a reasonable conjecture, but a fact of which we have abundant experience. It is admitted on all hands that unduly favourable ideas of the condition of the transported convict have been, in a vast number of instances, conveyed to this country. It may be that this will be effectually prevented in future, by the uniform severity to be exercised on all convicts in Norfolk Island. But even then, that this punishment should be exaggerated by the imagination,—that its severity should be believed greater than it really is,—seems neither needful nor possible. If it be, as we are assured by official documents,† in reality a punishment so much worse than capital, that men have been known to commit crimes on purpose to escape from it by death, one does not well see how an over-estimate of its severity can be formed by the imagination. When the actual infliction is so shockingly severe that the people of this country, who can hardly be brought to tolerate capital punishment, would far less tolerate one which is beyond capital, if they once had their attention roused to it,—in such a case, I say, whatever uncertainty and indistinctness there may be respecting the convict's condition, may operate to extenuate, but never to aggravate the terror of the punishment. Supposing however, the reverse of this to be true,—supposing—contrary to all reason and all experience—that the punishment of the transported convict was never underrated, and was sometimes overrated in the imagination; and that consequently a distant place of exile, was, to some minds, a distinct source of salutary terror, without any counterbalancing effect of the opposite kind on other minds;—still the price is so enormously disproportionate at which this supposed benefit is to be purchased, that I think no one who will sit down and dispassionately count the cost, could have a moment's hesitation on the question. For the sake of retaining a system which to some particular minds, it is supposed, may hold out the additional terror of distant exile, we are to send criminals at a heavy cost to a penal establishment, which is completely out of the reach of all vigilant inspection;—an establishment in which, instead of being reformed, they are debased and degraded, and hardened to the utmost possible degree. It was observed to me lately by Sir Edward Parry* as the result of several years' experience on the spot, that "he believed it impossible a convict could be sent to Norfolk Island without coming back a double-distilled villain." Then, after four years' (on the average) preparatory training in this university of depravity, they are to be let loose, to the amount of 4,000 annually,—or perhaps, under the proposed mitigation of the system, 2,000 or 1,000,—on the Australian Colonies, as free labourers and settlers. This precious importation is to consist, you will observe, entirely of men; (of males I should rather say; for the other term would be hardly appropriate) no woman, as far as I can understand, being henceforth to be sent out as convicts. So that a community already overwhelmed with such unspeakable horrors from the shocking disproportion of the sexes, is to be annually inundated with a fresh torrent of pollution, by the influx of hundreds or thousands of the most abandoned profligates, exclusively males! And it is thus that a new and flourishing nation is to be created and cherished in its growth;—a nation flourishing in numbers and in wealth, but already of such a character as to have been described by one of the witnesses before the Committee by the concise and emphatic expression of "Sodom and Gomorrah." All sacrifices are to be made—no cost spared—to increase the extent and to keep up the odious character of such a community: a conspicuous and lasting monument of England's shame and guilt: a monument such as I suppose was never before erected by any people, Christian or Pagan, of combined absurdity and wickedness. But even this is not all: if the proposed system be adopted and persevered in, the other colonies also in the southern hemisphere will be contaminated by the same polluted stream. The colonies already infected indeed,—New South Wales and Van Diemen's Land,—are such as some might think fitting subjects of any experiment however wild; or incpable of receiving, morally, either injury or benefit from any; and incapable (though I cherish better hopes), of being regenerated, even by perseverance in wise measures. But to taint not only these, but also the rising colonies of Swan River, South Australia, and New Zealand, by an influx of discharged felons, would be doubly unpardonable. The convicts, it has been suggested, at Norfolk Island and Tasman's Peninsula, on the expiration of their sentence, are to be conveyed to the neighbouring colonies, generally, (without any limitation to those which have been hitherto penal colonies,) and there let loose; and thus each of these rising communities is to be from its early infancy distorted and diseased by the depravity of these "double-distilled villains." Now the free-settlers in New South Wales indeed, cannot complain of this as an unexpected hardship; (except indeed, such emigrants as have been deluded from their country by the false accounts given in tracts such as those I have alluded to) but to expose to this moral pestilence those who have settled in the other colonies, under the express understanding, that their settlements were not to be thus polluted, is manifestly as unjust and treacherous as it is impolitic and inhuman. Indeed there is an express Act of Parliament* forbidding the introduction of convicts into South Australia; an act under which the settlers there have felt themselves secure from the evil it was meant to guard against;—an evil from which they will be secured, if there be any sense of honour in the British Government. For it would manifestly be an invasion of the act, to send thither the refuse of our jails, after having undergone their period of punishment and of debasement in Norfolk Island, on the plea that these men are not transported, but only conveyed ("convey, the wise it call"), and that they are not convicts, but merely persons who had been convicts, and whose term has expired: they are not precisely the same description of persons as we have promised not to send to South Australia,—convicts under sentence; but differ from them somewhat as a wild beast loose, does from a wild beast chained! Such are the results,—I may almost say the acknowledged and foreseen results,—to be expected from our persevering in the transportation system, even under a modified shape and to a diminished extent. They may be called acknowledged and foreseen results, because the statements and principles on which I have been arguing are mostly drawn, not from conjectures or observations of my own,—not even merely from uncontradicted testimony, or from the report of a Parliamentary Committee,—but from Government documents,—from descriptions and remarks, not merely admitted, but spontaneously and prominently set forth, in official papers. That a convict " in Norfolk Island loses the heart of a man and gets the heart of a beast," that " as a place for the reformation of criminals it is worse than useless,"—that " the proposal of allowing them to flock to the Australian Colonies at the expiration of their sentences, would render that noxious atmosphere more foul by their addition," and would therefore be open to a " fatal objection," as " leaving the main evil of transportation in full vigour,"—all this being, in so many words, acknowledged and foreseen, leaves me at a loss for arguments against the scheme I am deprecating. It seems of itself to plead guilty, as it were, to every charge brought against it. I know of no terms in which to condemn it more strongly than it stands self-condemned. I do cherish a hope therefore, that her Majesty's Ministers will be induced to follow out fully the principles which have been thus admitted, and to apply a thorough remedy to evils which have been so thoroughly exposed. If some system good in itself had been pushed to a faulty excess, a moderated continuance of it would be all that we could desire: if abuses had crept into such a system, it would be enough to remedy the abuses: but when a system has been shewn to be in itself an abuse,—to be radically and fundamentally bad, we ought not to be satisfied with a mere diminution of the evil. Those who introduced and who carried on for above fifty years the transportation system with the expectation of doing good, have been doing unspeakable mischief; but if we, without that expectation, continue the system, though in a mitigated degree, and satisfy ourselves with merely doing rather less mischief, but that, with our eyes open, and knowing what it is that we are doing, we shall be incomparably more to blame than our predecessors. From that blame, my Lords, I have exonerated my own conscience; and I call on this House,—on the Legislature,—and the British Nation,—not lightly to cast from them the consideration of this question, merely because there is no party contest about it; but to weigh well its importance to the credit and welfare of this country,—to the welfare of almost every nation, civilized or uncivilized, throughout the world. And I hope for such a strong expression of the opinion of this House and of the public at large, as shall induce and enable Ministers to take effectual measures for putting an end not to a part only, but to the whole, of the present most pernicious and indefensible system, and for removing from this country one of the foulest stains that ever blemished our national character. The Resolution, my Lords, which I have to move is, " That the System of Transportation ought to be immediately, completely, and finally abolished."*

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* One advantage which such an island as Dalkey or Lundy would possess over Norfolk Island, would be that there would be no vines or orange-trees to eradicate. This may sound strange to any one who is not aware that Norfolk Island,—one of the most favoured spots in the whole world for soil and climate,—has been made almost a garden of Eden by the fruit trees, which, sprung from seeds left by voyagers, have naturalized themselves and overrun the island. It has, therefore, been judged right, first to select this lovely spot as the abode of the worst of criminals, and then, for fear it should be too agreeable, to spoil it as far as possible, by destroying the fruit trees!

† The Catholic chaplain, the Rev. Mr. Ullathorne, corroborated by other authorities, represents that the convicts are driven to despair; that they have been known to commit murder for the sake of ridding themselves of life; and according to the expression used by one of the convicts himself, "When a man come to this island he loses the heart of a man, and gets the heart of a beast."—*Papers relative to Transportation*, &c., Session 1839, No. 582; p. 9.

* See his Evidence, Report, vol. ii. p. 62.

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* 4 & 5 Will. iv. c. 95. According to the South Australian Register, dated 25th January last, it appears that the influx of criminals into that colony from the penal settlements has already become a very serious source of annoyance.—"No precautions (says the Register) have been adopted to prevent the importation of escaped convicts or ticket-of-leave men from the neighbouring penal settlements; and the consequence is, that South Australia is overrun with persons of these descriptions, and the police find constant employment in apprehending them. That crime has been seriously increased by the unchecked importation of this class of bandits, may be gathered from the fact that out of the thirty prisoners tried at the last gaol-delivery, there was only one convicted who had come to the colony direct from England; and among the twenty-five prisoners now awaiting their trial for different offences, there are but five English emigrants; the remaining twenty being either escaped convicts, ticket-of-leave men, or emancipists from New South Wales or Van Diemen's Land. Now, we know not what orders have been issued to the port-officer with regard to the crews and passengers of vessels arriving from the penal settlements; but this we do know, that not the slightest attention is paid to the subject, either at Glenelg or at the port, and that a ship-load of escaped convicts could at any time be landed without remark or remonstrance. Again, there is no check upon the overland arrivals, and it is notorious that some of the worst desperadoes of New South Wales have found their way hither by that route."

The Marquess of *Normanby* observed, that the most rev. Prelate might feel assured, that if the subject he had introduced to their Lordships' notice did not attract the deepest attention, it was not on account of the manner in which he had treated it. It, perhaps, did not require all the talent which the most rev. Prelate had exerted to show that vice, wherever it existed, was corrupting, and that crime led to contamination. It was now eight years since the most rev. Prelate's attention had been directed to the subject, yet he hardly seemed to have allowed full credit to the changes effected of late. The transportation committee presented a most able report two years ago, which had led to some of the most useful and important alterations in the system, correcting some of the crying abuses to which the most rev. Prelate had alluded. Many of the evils had been removed by the abolition of assignment. The most rev. Prelate said, that his attention was first drawn to the subject by the alluring accounts sent home by the convicts of their condition. These attractive accounts had ceased to be sent home, and he of late years only knew one instance of a convict sending a flattering description of the place to his relations, and expressing a wish that they should join him. He could assure the most rev. Prelate that transportation was now considered to be really a severe punishment, and it would be a great boon to any person sentenced to transportation to commute his punishment to imprisonment in the Penitentiary. With respect to the corrupting influence of transportation, he begged to observe, that according to the new regulations, no convict would be sent to the settled parts of Van Dieman's Land. There was one most important and grave part of the subject, which the most rev. Prelate had treated lightly. He proposed a resolution for the immediate abolition of the punishment of transportation, but he suggested no substitute. There were many serious and weighty considerations connected with the question of a proper secondary punishment, which must press on the minds of all statesmen, particularly at the present moment, when the current of public opinion was setting forcibly, as he believed usefully, in favour of the gradual abolition of the punishment of death. There were many reasons which rendered the infliction of a secondary punishment at home particularly difficult. He conceived it to be utterly impossible to substitute for the punishment of death any other than a punishment which should last during life. At the same time, it would be repugnant to the feelings of Englishmen to think that any human being was immured within four walls for the whole period of his life; and as little would they endure the substitution of that punishment, usual in some other countries, which consisted in compelling the criminals to work in chains in the streets. Then came the question of penitentiaries. With regard to the expense of this system, he thought the most rev. Prelate had not spoken with his usual clearness. A gentleman who had paid considerable attention to the subject had estimated that the first expense of establishing penitentiaries would be 25,000,000*l*., and that the expense of maintaining them would be 1,500,000*l*. He thought this estimate exaggerated, but

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* The published speech was accompanied by the following postscript, and by a considerable appendix, which we do not add on account of its length. It contained useful illustrations of the principles laid down in the speech, and refutations of the opinions of some of the adversaries with whom the most Rev. Prelate has been engaged in controversy on this question. The postscript was as follows.

POSTSCRIPT.

Though the motion was not pressed to a division, it happily had the effect of calling forth some able speeches, which at once evinced the increased public attention which the subject has attracted, and also tended to increase that attention.

But I cannot forbear remarking, that the main objection to the immediate abolition of transportation to a colony, which I had forestalled by Mr. Drummond's suggestion of substituting for Norfolk Island (as a temporary expedient at least) one on our own coasts,—this objection was not supported by any weighty reasons against that suggestion.

The only argument adduced, was the supposed terror with which, to some minds, it is said, a very remote place of exile is invested by the imagination.

I have given my reasons for believing this argument to be greatly over-rated, and to be quite insufficient, even if it be not over-rated, to counterbalance the considerations on the opposite side. But as it does seem to weigh much with those on whom the practical decision rests, I will venture to throw out in this place another suggestion, by which advantage may be taken of the feeling in question, for a beneficial purpose, without incurring (as now)

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the enormous counterbalancing disadvantages.

Let Norfolk Island, or some such remote spot, be made, exclusively, the place of exile to those (a very small proportion of criminals) who are sentenced to transportation for life. Let no others—convicts or free settlers—be located there. And thus you will obtain all the advantages, and avoid (as far as the thing is possible) the disadvantages of a remote penal-establishment. For,

1st. There will be an approach towards a scale of punishments, proportioned to offences, by adding on, in the most heinous cases, whatever terror there may be in remote exile.

2dly. The promiscuous association together of those sentenced to a term (for slighter offences) and for life, will be avoided.

3dly. The dreadful consequences of overwhelming our Australian Colonies with the discharged convicts,—which, it is truly observed in the Government papers (p. 6), "leaves the main evil of transportation in full vigour"—will be avoided.

4thly. The frightful severity exercised in Norfolk Island might be considerably relaxed, without those ill effects which would, now, follow from such relaxation; because the numbers of the exiles would be so much smaller, and also the remoteness and seclusion of the place of banishment, and its being for life, might be a sufficient terror, without any additional severity of treatment.

Such a plan I conceive would be at least a manifest and great improvement on the present or proposed course; and would be open to none of the objections, as far as I can see, which have been urged against any of the other suggestions of the opponents of transportation.

he alluded to it for the purpose of showing that the expense had been calculated at a much higher amount than the most rev. Prelate seemed disposed to put it at. But another more important consideration was, that relating to the health of the prisoners. A system of separate confinement could not be adopted, unless it was made rigid, and the result of his inquiries induced him to entertain considerable doubt as to the effect of such a system in this climate. In the Penitentiary at Millbank soldiers were confined; but their confinement was necessarily short, and he was informed by a medical gentleman that their health there was not only as good as the health of soldiers in any other prison, but as good as that of soldiers when unconfined. But this was by no means the case with respect to those who suffered confinement for a considerable time; and it appeared that the health of the prisoners broke down after a certain period. Their Lordships were called upon by this resolution not to adopt a more gradual change, but immediately and finally to abolish the whole system of transportation. But it was physically impossible, even if the necessary funds were at hand, to provide adequate accommodation in the gaols, hulks, and penitentiaries at home for the convicts now in the course of justice. During the last ten years there had been condemned to transportation 41,300 convicts, of which 35,937 had been actually transported, and 400 upon an average having completed their term were annually set at liberty. For the next ten years it was calculated there would be 38,000 for Great Britain, and about 10,000 for Ireland. During the present year 1,390 had been condemned to various periods of transportation; the remaining months of the year would give an addition of 2,550, and there were at present confined in the hulks 3,008, in the gaols 1,000, and in the penitentiary 300; in all, little short of 7,000, while the utmost additional accommodation that could be provided would be for only 1,112. The new model prison would not be finished for two years, but the accommodation would even then be only increased to the extent of 500. It would be impossible, as he had already stated, exactly to calculate the great increase of expense which must result from the establishment of that system of penitentiaries as recommended by the most rev. Prelate; but in order to give their Lordships some faint idea of it, he might be allowed to state, that in consequence of the regulation which their Lordships had adopted last year, in the propriety of which he entirely concurred, that prisoners should no longer be employed in the service of the prisons, the expense of turnkeys, matrons, and other officers for the three metropolitan gaols, Coldbath-fields, Clerkenwell, and Tothill-fields, instead of 8,000*l.*, as formerly, now amounted to 15,000*l.* The tendency of the public mind, too, was decidedly in favour of the abrogation of capital punishments; and he had always supported measures for the amelioration of the penal code; but if transportation were abolished—above all, if such a change as that now recommended were rashly adopted, he very much feared it would be impossible to substitute another secondary punishment, adequate to the protection of property which the circumstances of the country would enable them to inflict. The most rev. Prelate had done most essential service in calling the attention of their Lordships to this important subject, and he should be at all times most anxious to listen to any means that could be suggested to mitigate the evils of the present system. With all respect, therefore, for the most rev. Prelate, and even gratitude for his meritorious exertions in the cause of philanthropy, he would not call upon their Lordships to give a direct negative to the motion, but content himself with moving the previous question.

The Bishop of *Exeter* considered the most rev. Prelate entitled to the thanks of Parliament, for bringing this subject under the attention of their Lordships. There was no one subject he knew of, on which the energies of that great mind could have been more worthily employed, than in tracing the moral evils of transportation, and endeavouring to provide for them an effectual remedy. Yet the most rev. Prelate must forgive him, if he said, that with all gratitude for his services in this matter, there was one important circumstance he desiderated. The most rev. Prelate, in addressing himself to the evils of transportation in general, confined his views almost entirely to the effects it had produced in the colony of New South Wales. He seemed to suppose that transportation could only be conducted as it had been by this country since 1787. That, he must frankly say, was not so extensive a view of the subject as he should have expected from the most rev. Prelate. The evils which had resulted from the system adopted in 1787, had continued with but little improvement till within the last twelve or fourteen years, had been most enormous; but were these consequences necessary to transportation? The system adopted in 1787, was carried out in the most absurd manner, convicts being employed to colonize a country. It was a system so sure to fail, that one's only amazement was, that the great intellects then in the Government of the country should ever have ventured upon it. But did it necessarily follow, if a system of colonization by free emigrants had accompanied, or rather preceded, penal transportation, that the same consequences would have ensued? In that case, had due attention been paid to the moral and religious care of the convicts, a very different result would, no doubt, have taken place. What were the facts with respect to New South Wales? We sent out 1,200 convicts at once, and what steps had been taken to insure their moral and religious instruction? It was notorious there was not even a thought of sending out a single chaplain to give them spiritual instruction when cast on those desolate shores. Surely that was no necessary part of the punishment of transportation. The benevolent men who interfered—Wilberforce, Bishop Porteus, and others—pressed upon Government, the necessity of taking some measures to insure the religious instruction of the convicts, and with difficulty induced them to allow one solitary chaplain to accompany the expedition. For the first seven years one chaplain only was employed for the spiritual care of those wretched persons. The next seven years two were sent; but, as if that were too many, the third seven years only one chaplain was sent. There was something so shocking in this, that, as an Englishman, he should blush for his country if he could think for a moment, it was the result of indifference to the moral and spiritual welfare of those unhappy but guilty persons. The real cause, he believed, was, that at the time the whole energies of the Government of the country were employed in that great contest which lasted so long, and which engrossed the whole attention of those who conducted it. The colonization of New South Wales, and even the correction of convicts, were held to be trifles in comparison to that important struggle. But that struggle being over, he wished there had been some appearances of attention to the duty of the country in this particular. Such, however, was not the case. Many, many years elapsed, before anything like due regard was paid to this subject, and the necessity that those sent out as convicts should have the means of reformation. He had no doubt he should surprise some of their Lordships when he told them, that with 4,000 convicts, in what were called iron gangs in the gaols of New South Wales, not one single person was appointed by Government as chaplain. Was it, then, to be wondered at that such a harvest of crime should have been the result of such a state of things? In Sydney, Government gave 50*l.* a-year to the rev. W. Cowper for looking after the gaol; but, as minister of St. Phillip's parish, he had also the care of 5,000 or 6,000 souls to attend to. The sum of 50*l.* was also given to a Roman Catholic chaplain. In the neighbourhood of Sydney, the iron gangs had no other sort of spiritual superintendence. Another clergyman, to be sure, who had gone out to Sydney without any specific employment, had been temporarily engaged by the Bishop of Australia. That, however, was only temporary, and would only last till a permanent appointment was made. The evil was so great, that strong representations had been made to the Government at home, by persons whose representations were entitled to the greatest weight. In June 1837, representations were made from the judges of the colony, deploring the want which existed of spiritual instruction. Their Lordships, no doubt, expected to hear that the representations proceeding from so high an authority, had met with immediate and respectful attention, and that if nothing had been done at the moment, it was only because persons could not be immediately found to dispense the spiritual instruction of which there was so much need. Their Lordships would of course conclude that if no immediate measures were adopted promises of instant attention had been given, and that the venerable judges had been assured that the Government was deeply indebted to them for having pointed out the evil which existed. Not so, however, the year 1838 passed away without any answer having been returned, and the year 1839 had also passed away in the same manner without answer. Either the governor of the colony, if he had made no representations to the Government at home, or the Government at home if it had received information of the evil from the highest authority without ever noticing the communication, had incurred a heavy responsibility. Where the fault lay he knew not, but he hoped their Lordships would have the matter explained to them by some Member of her Majesty's Government. He admitted with the noble Marquess the Secretary for the Home Department, that while all must honour the motives by which the most rev. Prelate was actuated in bringing forward this subject, the most rev. Prelate's proposal that transportation should cease absolutely, finally, and immediately, must be considered as asking rather more than the grounds which had been stated would warrant. He (the Bishop of Exeter) would not enter into a discussion upon the general question; he wished merely to advert to the representations that had been made by the most rev. Prelate as to the state of morals prevailing in New South Wales; and, indeed, but for those representations he (the Bishop of Exeter) should not have troubled their Lordships on the present occasion. The most rev. Prelate was, of course, convinced of the accuracy of the statements which he had made, and under such an impression, that he should have felt that holy indignation which he had expressed that evening, could occasion no surprise to their Lordships; it would have been a matter of surprise if the most rev. Prelate could have expressed himself with coldness, believing, as he did, the truth of those statements. But unless he (the Bishop of Exeter) was grossly misinformed, the real facts of the case were exceedingly different from the account given by the most rev. Prelate. The most rev. Prelate spoke of the colony of New South Wales as a nation of criminals and executioners, and as the most corrupt population that the sun ever shone upon. Was that the real state of things? Were there no authorities on the other side of the question? It might be said that statements proceeding from the colonies themselves would be partial, but still there were functionaries in those colonies who could not be induced by partiality to make a false statement of facts passing under their own eyes. What account did the Bishop of Australia give of the state of morals in the colonies? The Bishop stated in his report of the Diocesan Committee, January 23, 1837.

> "This spirit (regard for the interest of religion) is not confined to a single district, but I have found it pervading all which I have visited with a degree of unanimity as remarkable as it is gratifying. The circumstance of so many churches being at one and the same time in progress in such distant parts of the colony is unparalleled, so far as my observation extends, in any country containing a tenfold population; and the amount of subscriptions raised in every such instance, without reserve or difficulty, proves how becoming a sense is generally entertained by the settlers of their duty to make a liberal offering to the service of God in acknowledgment of the bounties He has bestowed upon them. In addition to this I cannot forbear to observe, that having held confirmations in every part of the colony which I have visited, where a becoming place for the celebration of that rite could be provided, the attendance, with perhaps one single exception, has been numerous and gratifying beyond my expectation. The appearance and demeanour of the young persons who have come forward on these occasions—their unaffected seriousness, their evident marks of attachment to the Church and its ordinances, and the piety with which they have pledged themselves to fulfil the solemn engagement which they undertook in my presence, have filled with satisfaction and hope, not my heart alone, but the breasts of all who truly desire the welfare of this colony, and whose persuasion is, that it can be secured only through the establishment of true holiness and righteousness among its inhabitants."

This then was the solemn attestation of the Bishop of Australia addressed to his clergy. Judge Burton, who had published a work upon the state of religion and education in New South Wales, was another authority to the same effect. But the statement did not rest merely upon the opinions of the Bishop of Australia or judge Burton, but was proved by facts altogether at variance with the information upon which the most rev. Prelate proceeded. While the criminals in the whole colony convicted before Mr. Justice Burton was nearly 900, the number of native colonists convicted before him in six years was only thirty. Supposing the number convicted before the other two judges to be equal to the former, ninety of the native colonists only were convicted in four years. Yet this portion of the population was about 30,000; therefore, only 1 in 2,000 of them annually was convicted of crime. Was this a very depraved state of morals? If it were he should be very sorry, for England was almost incalculably worse, the proportion in England being one in every 800. The number of convictions in England during the last year was, he believed, 17,000, and taking the population at 14,000,000, there would result the proportion which he had stated, of one in 800. Yet New South Wales, where the degree of crime was not half so great, was to be called the most abandoned country which the sun ever shone upon. The most rev. Prelate had said, that the means which had been taken to improve the state of these colonies had proved ineffective, and he (the Bishop of Exeter) was ready to agree that one expedient which had been resorted to had utterly failed—he meant the expedient of sending over a ship load of women. It had been stated that the women who had been sent were respectable persons, and had certificates to that effect from the ministers of their respective parishes. If this were true, he regretted that the ministers of those parishes had been so easy in granting certificates, for he had heard from one who had been an eye-witness of the conduct of these women at the Cape, that anything more horrible could not be conceived; that their vices were perfectly notorious, and that several persons were assailed by them in language too shocking and disgusting to be described, The most rev. Prelate had said that public opinion in these colonies was on the side of vice. That was a strange statement; for really all the opinions given by the best authorities led to precisely the opposite conclusion, and showed that what might be expected to be the case actually took place in the colonies. In a country consisting of a population composed of such different classes as those of which society was composed in those colonies, it was natural to imagine that there would be a greater jealousy and a higher tone of morality among the respectable part of the people rather than that public opinion would be on the side of vice; and there was evidence that such was actually the state of things. The most rev. Prelate had been misinformed when he was told that the most respectable inhabitants of the colonies wished the system of transportation to be put an end to. What was the fact? He would read to their Lordships an extract from the votes and proceedings of the Legislative Council (No. 15), dated July 17, 1838, relative to the petition for inquiry into the systems of transportation and assignment, unanimously agreed to, there being present, the Governor, the Chief Justice, the Bishop, and other members:—

> "Resolved, that in the opinion of this council, the great extension which has latterly been afforded of moral and religious instruction, the classification which may in future be made in the numerous gaols now in progress of erection upon the most approved principles of inspection and separation, the more effectual punishment and classification of offenders in ironed gangs, according to their improved system of management, the numerous free emigrants now eligible as the assignees of convicts, and the accumulated experience of half a century, form a combination of circumstances which renders the colony better adapted at the present than at any former period to carry into effect the praiseworthy intentions of the first founders of the system of transportation and assignment, which had no less for its object reformation of character than a just infliction of punishment. Resolved. That in the opinion of this council, no system of penal discipline or secondary punishment will be found, at once so cheap, so effective, and so reformatory, as that of well regulated assignment, the good conduct of the convict, and his continuance at labour being so obviously the interest of the assignee, whilst the partial solitude and privations incidental to a pastoral or agricultural life in the remote districts of the colony (which may be made the universal employment of convicts), by effectually breaking a connection with companions and habits of vice, is better calculated than any other system to produce moral reformation, when accompanied by adequate religious instruction."

He need not call the attention of their Lordships to the respectability of the individuals who composed the Legislative Council, but he must say that this document was altogether inconsistent with the information which had been given to the most rev. Prelate as to the sentiments entertained by the respectable inhabitants of the colony. There was one more particular of great moment in the consideration of this subject, and that was the course taken by her Majesty's Government in diminishing the assistance which was afforded to free emigration. A few years ago, when a noble Earl, not now in his place (the Earl of Ripon), presided over the Colonial Department, Lord Howick, by his direction, wrote a letter to the Secretary of the Treasury, in which were the following words:—

> "Lord Goderich is of opinion that it would

not be wise so to burden the colony as to check the progress of improvement and the development of its resources for the sake of a small immediate saving to this country; and he would more especially call the attention of their Lordships to the impolicy of applying to the ordinary current expenses of the colony that portion of the territorial revenue which arises from the sale of land. The funds derived from this source should be looked upon, not as forming a part of the income of the colony and available for the purpose of meeting its annual expenses, but as capital, which should not be permanently sunk, but invested so as to produce a profitable return."

Here, then, was the principle laid down of employing the produce of the sale of land in the encouragement of free emigration. Now, what had been the course actually pursued? Why, it appeared, that in ten years, from 1831 to 1840 inclusive, 800,000*l.* would have been invested in land, while the expenditure of the Government on account of emigration, could not have amounted to 400,000*l.* Some of their Lordships might think this a large sum to be so employed, but he thought the principle laid down by the noble Earl was a wise one, and that the whole of the proceeds ought to be so applied. This was not so much a question of expediency as of justice, for the expenses which pressed most heavily upon these colonies, were the judicial and civil charges arising from their convict burden, and were consequently incurred in enabling us to get rid of our inhabitants. The population of New South Wales, which hardly exceeded 100,000 souls, paid indirectly, by means of customs and other modes no less a sum than 240,000*l.* per annum. It was no more than just that the Imperial Government should pay the expenses of the police, which was rendered necessary by its own system. He would not detain their Lordships further than by merely expressing a hope that means would be taken for supplying adequate spiritual instruction to those unhappy beings who stood so much in need of spiritual comfort and consolation.

The Earl of *Wicklow* said, this was a subject of great importance, and one, the difficulties of which were much increased by the contariety of opinions that had been expressed upon it. After having perused, with all the attention he was able to give to it, the evidence that was taken before the committee of the House of Commons, it was with great surprise he had heard the statements which had just been made by the right rev. Prelate, because he could not understand how a committee which sat for so long a period, and heard such a variety of evidence, could have formed an opinion so directly against that of the right rev. Prelate. He must also say, that it appeared strange to him, that the opinion expressed on this subject by the Bishop of Australia should be so different as it seemed to be from that of several of the governors and judges of the colony. The noble Marquess opposite had afforded no clue whatever to the extent of improvement that had already taken place, or that was in contemplation. True, he had stated, that one part of the former system of transportation, namely, that of assignment, had been abolished, as the committee of the House of Commons had strongly recommended, but they had not yet had any information, and he imagined the noble Marquess was not aware of any, as to the result of that alteration. If, however, the committee had recommended the change on the ground of economy, most completely was that end destroyed by the abolition of assignment, for it was stated by Sir George Arthur, one of the witnesses who was examined before the committee, that the expense of the convicts under the system of assignment was about 4*l.* per head, but that under any other system it would amount to 14*l.* He should like also to know from the noble Marquess, whether the Government had already adopted the suggestions of Lord John Russell in his remarks on the evidence taken before the committee. If they had, then he said, that the way in which future transportation was to be conducted was entirely changed, and the expense would be increased to an extent which he believed this country would be little able to endure. If he understood the proposition of the noble Lord, it was, that not only the system of assignment should be abolished, but that the system of transportation either to New South Wales or Van Dieman's Land should be put an end to. The noble Lord proposed also to transport convicts in the first instance to Norfolk Island, or Tasman's Peninsula, those being the places to which convicts from New South Wales were now sent; but he admitted, that there was this defect in the proposition, that it left the main evil of transportation in full vigour, for at the end of their transportation, the expense being too great for their return to England, the convicts would flock to the other Australian colonies, rendering them more foul then they now were. That was the proposition of the noble Lord, and it therefore appeared to him, that at this moment the Government, although thay opposed the motion of the most rev. Prelate, were not yet prepared to state what system should be adopted in future. The present expense of conveying criminals to New South Wales and Van Dieman's Land was about 28*l.* per head, and the consequent expense on their arrival there was at least 54*l.* more, making it in all an expense of 82*l.* Now, that expense was to be increased under the alteration of the system which the noble Marquess had stated had taken place. With such an expense as that, it became absolutely necessary for them to include it in the consideration of the subject. As he had understood the noble Marquess, and Lord John Russell, it was in contemplation eventually to adopt pretty much the same system as that proposed by the most rev. Prelate. It was, therefore, now only a question of time. But if so, all that had been stated by the right rev. Prelate went for nothing, because it was in direct opposition to the principle which he had been advocating. The right rev. Prelate had said, that the most rev. Prelate had stated it as the opinion of all the good men in the colony, that the system ought to be discontinued, but that it should be considered, that that opinion was not given with reference to the morality or immorality of the colony, but with respect to their own individual interests. And, according to the statement of the right rev. Prelate, he wished for a continuation of the system; and indeed went further, for he wished also for the system of assignment which had been abolished. Now, he must say, he could not think that the recommendation of those to whom the right rev. Prelate had alluded ought to have much weight. But let their opinions be as different as they might on this subject, it was impossible for the population now in New South Wales and Van Dieman's Land not to be one of the grossest immorality, for, independent of the circumstances stated by the right rev. Prelate there was an enormous population comprised of felons or emancipated felons. It was impossible, too, that there should not be a system of the grossest vice and immorality, considering the great disproportion there was of the sexes, according to the statement of the right rev. Prelate, for it appeared, that in the towns, the proportion of men to women was as five to two, in the agricultural districts as seven to two, and in the most distant parts of the country as seventeen to one. That must produce evils of the worst kind, and if so with regard to the male population, what must be its effect with regard to the women who were transported to the distant parts of the country? That state of things ought not to be allowed to continue, there should be a change, and it was the duty of the Government of this country, when these matters were brought to their notice, to do all in their power to remove those evils. His most rev. Friend, in using the word "immediate," did not mean to say, that transportation in a moment should cease in every part of the world, but that it should be incumbent on that House to express its feeling, that the present system should be put an end to, and such other system adopted as might be thought necessary. He would suggest, that the islands of Bermuda should be made use of as a place of transportation until penitentiaries were established in such parts as the Government might determine on. The question really was, whether the suggestion of the committee was to be attended to or not? If it were not, then the Government were bound to say so, and to say why they were not satisfied with it; and it was their duty to let the country know what system was in future to be pursued with respect to transportation.

The Bishop of *Exeter* explained. It was very far from the opinion he had expressed that transportation to New South Wales should go on. He distinctly avoided giving that opinion, but he certainly had not expressed a contrary opinion: for, surrounded as the question was with difficulties, he was not yet competent to form an opinion. What he said, was, that in his opinion, there might be a better system of transportation adopted, which might accompany or be subsidiary to colonization.

The Bishop of *Norwich* said, he must express his satisfaction and gratitude to the most rev. Prelate for having brought this most important, and he might say, most religious subject, before their Lordships. And he also felt thankful to the noble Marquess for the statement he had made, because it had shown the extreme interest the noble Marquess took in the colony, and the anxiety there was in his mind to promote its welfare and renovation by every means in his power. With respect to transportation, he doubted very much whether any country, under any circumstances whatever, had a right to scatter and disseminate over the wide world the scum and refuse of its population. It might be said, that they were carried to distant parts where there were none but barbarian tribes; but was it right that they should make those tribes worse, and inoculate them with the vices and immorality of their own country? He doubted the policy of any country doing that. But no matter; for transportation was, nevertheless, carried on. He differed, however, from the most rev. Prelate as to its immediate abolition. He thought it could not be immediately. But he looked on this as the dawn of better things, as the opening of a desirable change, and that in a very short time, transportation would cease. He wished that some noble Lords, who appeared not to be as fully sensible as facts would warrant them in being of the great value of early education, would take the trouble to observe the civilizing and Christianizing effects produced upon the children of the poor in the union houses. To him it appeared that one of the great advantages arising from the total abolition of transportation would be that such a change must have the effect of turning the minds of the responsible advisers of the Crown to the necessity of a sound, an effective, and an extended system of early education. It must be evident to any man of the least reflection that it was impossible to improve the population of New South Wales so long as there existed within that territory such an accumulation of sin and crime as must necessarily prevail in a penal settlement. How could virtue or piety flourish in a condition of society such as prevailed in a country to which the worst and most hardened criminals were sent? But he hoped it was not yet too late to stop the course in which our management of secondary punishments had unhappily involved us, and he hoped, that he might yet see a very material improvement effected.

The Marquess of *Lansdowne* said, that the noble Earl opposite appeared to think, that there was some inconsistency in his noble Friend's saying that there had been an inconvenient accumulation of convicts in some parts of New Holland, while, at the same time, he intimated the intention of her Majesty's Government to confine and limit transportation to those particular parts. Now, the inconsistency was merely apparent, and not real; for, though it was intended to limit transportation principally to Norfolk Island and Tasman's Peninsula, yet, on the whole, every effort would be made to diminish the aggregate amount of transportation and in that manner, lighten the pressure upon those particular places. He believed, that he correctly represented the sentiments of his noble Friend when he stated that it was intended to advise her Majesty to discontinue transportation for life in a great many cases, as means and opportunity permitted. It was intended gradually to diminish the number of transports until they were brought within such limits as would insure perfect accommodation at the point to which they were sent, He fully agreed with those who thought that the Govern- of this country should do all in their power to encourage judicious emigration to New South Wales; it was their duty to do all in their power to repair the injury which the presence of a penal settlement must of necessity inflict upon a new state of society like that which existed in Australia. He agreed, that it was the duty of the Government to stimulate emigration amongst persons of a superior class, but he thought it right briefly to notice the causes which in some degree at present retarded the measures that, under other circumstances, it would be their duty to adopt. The House was aware, that the funds arising from the sale of lands were to be applied to the encouragement of emigration; but so strong was the indisposition of the colonists to defray, not the new, but the old expenses of the colony, that the Government found it necessary to defray those expenses out of the fund which under a different state of things would have been applicable to the great and important object of inducing respectable persons to settle in Australia. It had been found impossible to provide for the usual demands of the public service in those colonies without imposing new taxes, and thence the fund created by the sale of land had been exposed to undue encroachment. Neither the administration of justice nor the interests of religion could have been maintained, had not the fund in question been rendered available. There could not be a second opinion as to the necessity of providing religious instruction for a colony circumstanced as New South Wales had for some time been, and at first, perhaps, due precautions had not been taken, but of late he rejoiced to say, that successive Governments had done much to provide religious instruction in that part of her Majesty's dominions. Upon the general question he should say, that he agreed with the most rev. Prelate, and with the report of the House of Commons in thinking that it was highly desirable to apply in many cases some other punishment in lieu of transportation. It was the intention of her Majesty's Government to adhere as closely as they could to the recommendation given by the committee, but they could not pledge themselves to the immediate or the total abolition of the practice. The House must recollect, that from a practice in which the frequency of capital punishments were carried to excess, they had recently adopted a much more mild, humane, and beneficial course. Capital punishment had now become rare, at least comparatively infrequent, and it, therefore, became the more difficult and unsafe to part with the power of transportation for life; they could not part with a punishment which, by reason of the great distance at which it was inflicted, as well as from other causes, operated most powerfully upon the feelings and imaginations of men. That which was unknown naturally presented itself to the excited mind of the criminal in an exaggerated form. It was said, that criminals might be more economically employed upon public works at home than in a distant colony; but how much better was it that when their term of punishment expired they should find themselves in a community where labour was in demand, than in a highly civilized state of society, where there was a surplus population and the prices of labour comparatively low? Surely the convict who had conducted himself well in New South Wales would find himself in a much better condition on being released than on coming out of a penitentiary at home. He had heard the discussion of that night with great satisfaction—he hoped that it would have the effect of enlightening the public, but he at the same time hoped that nothing would be done to fetter the Executive, or to interfere with the due execution of the laws.

The Bishop of *Exeter* said, that to several of the gaol and iron gangs, perhaps to all, some spiritual instruction was offered, but that it was given most inefficiently—namely, by employing in this office only three clergymen, who had other and populous charges. None of them had a chaplain.

The Archbishop of *Dublin* replied.*

The previous question, that this question be now put, was then put, and negatived without a division; and their Lordships adjourned at a quarter past ten until Thursday.

HOUSE OF COMMONS,

Tuesday, May 19, 1840.

MINUTES.] Petitions presented. By Mr. Stanley, from Cheshire, against, and by Mr. Cresswell, from Liverpool, in favour of the Weaver Churches Bill.

WEAVER CHURCHES.] Sir *P. Egerton*, in rising to move the second reading of the Weaver Churches' Bill, said he had been informed that this bill was to be opposed by hon. Gentlemen opposite. Only that his informant was worthy of all credit, he could scarcely have believed the rumour, for a bill more calculated to do unmixed good, to check demoralization, to support religion and morality among the community — a bill which ought more readily to receive the sanction of the House than the bill he held in his hand, it was not possible to find. It was a bill to enable the trustees of the river Weaver, a large and prosperous navigation, to provide the means of religious instruction in favour of a large body of men who did not belong to the country in which they lived—who were without landlords or patrons of any sort, or any one to look to for care, a class dependent upon their bodily labour entirely for their support, and who were at present shut out from all means of religious instruction. He was aware that much misrepresentation had gone forth with respect to the bill, and it being entirely of a local nature, and one without parallel in the navigation of this country. It was about a century and a-half ago, when the Weaver was a little and unimportant stream, its geographical position connecting the county with the river Mersey, and thereby affording the means of communication and the exportation of the staple produce of the country, induced certain gentlemen of the county to think, that by the expenditure of money, it might be rendered navigable. They applied to Parliament for powers to carry their objects into execution. The money required for the purpose was no small sum, and it was subscribed by fourteen gentlemen of the county, who with a liberality which shed honour upon their memories, refused to take anything more than one per cent. above the legal interest of the money expended. In the year 1721, an application was made to Parliament for powers to make the navigation. By the bill three contractors were appointed to execute the works, who were made responsible for the body of petitioners, amounting to eighty, and power was given to levy rates, the surplus of which was to be applied to the general purposes of the county; this was the undertaking for which they originally applied to Parliament in 1721, and an act was obtained and the works proceeded. In a short time the undertakers discovered the powers obtained by the Act of Parliament were not sufficient to provide for the maintenance of the works of the navigation, as there was no provision in the act by which the property was vested in the contractors or petitioners, and the consequence was, that no redress could be obtained for injury done to the works; they, therefore, determined to apply to Parliament for increased powers. The trustees finding their powers did not enable them to fulfil the intentions of the originators of the bill, conceived themselves justified in applying anain to Parliament for an amended act, and in 1759 they obtained an amended act, but in which the constitution of the trustees were changed, the commissioners increased from 80 to 105, and the trustees empowered to discharge all duties for the maintenance of the navigation. These trustees were made responsible to the magistrates at the courts of Quarter Sessions, by being required once in every year to produce their accounts, to be by them audited or disallowed, as they should think proper. At that peroid there was great difficulty in the navigation of the river, and instead of applying to Parliament for a grant in aid of their funds, the trustees advanced the money themselves, and he would also mention, that the landowners never demanded any compensation of them for the damage done to the property on the banks of the river, which was highly creditable to their public spirit. By the care of the trustees the navigation in the course of a few years after the passing of the act of 1759, increased so considerbly that in 1788 the trustees were enabled to pay over the sum of 500*l.* in aid of the county funds. More than half a million had in fact been paid from this source in aid of the county funds. Now, the population along the river was yearly increasing, while no proportional provision was made for their religious instruction. Representations to that effect had been forwarded to the trustees, and it appeared that, to the scandal of the country at large, the same scenes of traffic occurred among the population in question on Sundays as on other days. The trustees then unanimously agreed to close all their works on Sundays, but it was soon found that those who wished to observe the Sabbath laboured under the peculiar difficulty that there was no facility to attend divine worship. It appeared that in several districts there was a lamentable want of the means of spiritual instruction. Whole districts were left without pastors, and those who had the care of souls could not devote their attention to those who did not come properly within the number of their flocks. The trustees in consequence called a general meeting of their body, to consider the means of remedying those evils. They then came, with but one dissentient, to the following resolution, to the effect, that the meeting consider it necessary to provide out of their revenues for church accommodation, and the religious instruction of those who were connected with the river and its traffic. A committee, however, afterwards declared that the trustees did not possess the power of providing out of their revenues for such accommodation. It was, therefore, recommended that an application should be made to Parliament for an act empowering them to apply such sums of money as might be necessary for the purpose. It was proposed that a sum of 7,000*l.* should be appropriated for the object in question. The resolution to that effect was carried by a majority of twenty-nine to nine. It was objected to the bill that it would increase the county-rates, but he would show the House how little foundation there was for that assertion. The commissioners proposed in the first instance to erect a church which would contain 400 free sittings, the estimated expense of which was 3,320*l*. They proposed to distribute that over three years at the rate of 1,106*l*. per annum, and the proportion which the town rate would bear of that would not amount to one-thirteenth of a penny in the pound. They proposed also to defray all the expenses of the clergyman; and, under these circumstances, he trusted no opposition would be given to the measure. When it was considered that the trustees of this navigation had given nearly half a million of money in aid of the reduction of the rates, he was satisfied there was not a rate-payer who would refuse to advance the small sum he had stated, of the thirteenth of a penny in the pound for such an object. All he asked was permission to prove his case before a committee. The hon. Member moved the second reading of the bill.

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* The Archbishop of Dublin having incorporated his reply in his published speech, *ante* p. 246, we will not repeat it.

Mr. *Wilbraham* moved that the bill be read a second time that day six months.

Sir *H. Verney* said, he thought a more gross case of injustice to the public had never been brought before the House. Two cases had been stated—one, the case of those who desired that churches should be built, and the other the case of those who thought they ought not to be built, but the case of the public had not been stated. The case of the public was, that those who obtained benefit from the tolls were the inhabitants of the county of Chester, who ought to pay county rates. They paid no county rates at all, because the public paid more than they ought to pay in the shape of tolls. Instead of applying the surplus as proposed, a committee ought to be appointed to investigate the justice of the present law on this subject; and the inhabitants of the county of Chester ought no longer to raise a considerable sum annually, by which they were totally exempt from the rate.

Mr. *E. J. Stanley* would occupy the House but a very short time. The question was, whether it was desirable that churches should be built out of the county rates. The demand for those churches did not originate with the workmen employed in the navigation, and it was opposed by men of different politics in the county. The former Member for the county opposed it as well as many others. Indeed such was the unpopularity of the bill, that no Member of the county could be found to second it, and the hon. Gentleman opposite had been obliged to resort to the knight errantry of the hon. Baronet, the Member for the University of Oxford. The petitions presented that day showed the feeling of the county upon that subject. Those in favour of the bill had been few, and were not numerously signed, while those against the measure were numerous, and signed by upwards of 10,000 inhabitants of the county. He hoped hon. Members would pause before they sanctioned the principle contained in the bill, which would allow trustees to do that with the funds entrusted to them which was foreign to their trusts, and that which they could not do without the power of the House. He thought the principle a vicious one, and that the House would show their sense of it by agreeing to the amendment.

Mr. *T. Egerton* begged to detain the House but for one moment. It was with pain that he stated that he could not support the second reading of the bill. He could not allow funds provided for one purpose to be diverted to another. However, he was bound to say, that the bill was not so unpopular in the county of Chester as had been stated. There was a strong feeling in the county in favour of the bill, but he could not support it, and would, therefore, not vote.

Mr. *J. Jarvis* must state, in corroboration of what had fallen from the hon. Secretary for the Treasury, that the general body of the rate-payers were hostile to the bill, and every person who gave an attentive consideration to the case would see that it must be so. The real question was, whether the county-rates were now to be made liable for the rearing of churches. Such was the real question. The charges upon the Weaver were charges upon all classes of people in the country, and the county-rates must be increased in the same ratio as money would be expended on these churches. He agreed in the general proposition, that it would be well that church accommodation should be provided where it was proved that it was absolutely necessary; so also did those whom he represented, but he and they objected to take this money for such a purpose. It was therefore new to him, as a proposition of law or morality, that parties having no benefit or interest in the funds should squander or misapply them from their proper destination, without the consent of parties really interested. But the truth was that there was no necessity for churches in the district in question. On the line of the river the churches were not more than a mile from each other, and they were placed at a less distance than through the greater part of the country. Twelve churches were to be found on the line, and twenty-eight dissenting meeting-houses. The hon. Gentleman concluded by stating, that he should vote against the motion of the hon. Member for Chester.

Mr. *Gally Knight* — Sir, I regret to observe that even the Weaver churches are made a party question. I hoped it would have been one to which both sides of the House would have lent their support. The hon. Gentleman who has just sat down says, that if the House agrees to the second reading of this bill, all the counties in England will have to build churches out of the county-rate. But this is not the case, for the county of Chester is so peculiarly circumstanced as not to afford a precedent—for what are the facts? The county of Chester is, I believe, the only county in England which from a casual source, by a most extraordinary piece of good fortune, is almost entirely relieved from any county-rate. And the object of this bill is to provide those from whose labours the county of Chester derives this singular advantage with the opportunities of worship. What is there here in common with the other counties of England? Sir, the hon. Member for Cheshire exhorts the House not to suffer this bill to proceed for fear of establishing a principle. That is the very reason for which I hope the House will let it proceed, to establish the principle, which is the principle advocated by the promoters of this bill, that it is the bounden duty of all masters and all employers to take care of those by whose labours they profit. Sir I wish that those who oppose this bill may not have the fear of the rate-payers before their eyes rather than the fear of God. But I am convinced that if this matter were fully explained by the rate-payers of Cheshire, there would be nothing to fear from their disapprobation. The learned Serjeant to whom this case was referred gave it as his opinion that there was a strong equitable ground in favour of the objects of this bill, and I hope the House will now give that equitable ground the force of law.

Mr. *Hindley* said, the case of the county of Chester seemed alone to have been considered in the debate. The case of the public appeared wholly to have been overlooked. Now he considered that the county had no right to apply the funds raised under this bill.

The House divided on the second reading Ayes 242; Noes 166: Majority 76.

List of the AYES.

Acland, T. D.
Acland, Sir T.
A'Court, Captain
Adare, Lord
Ainsworth, P.
Alsager, Captain
Andover, Viscount
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, H. B.
Barneby, J.
Barrington, Lord
Bateson, Sir R.
Bell, M.
Bethell, R.
Blackburne, J. I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. B. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H. P.
Canning, rt. hon. Sir S.
Cantilupe, Visct.
Cartwright, W. R.
Castlereagh, Visct.
Chetwynd, W.
Cholmondeley, H.
Chute, W. L. W.
Clerk, Sir G.
Clive, R. H.
Cochrane, Sir T.
Codrington, C. W.
Colquhoun, J. C.
Compton, H.
Conolly, Col. C. M.
Cooper, E. J.
Copeland, W.
Corry, hon. H. L.
Courtenay, T. P.
Cowper, hon. W.
Creswell, C.
Crewe, Sir G.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dottin, A. R.
Douglas, Sir C. E.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Duncannon, Visct.
Du Pre, G.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Eliot, Lord
Ellis, J.
Estcourt, T. G. B.
Farnham, E. B.
Fector, J. M.
Feilden, W.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Forester, hon. G.
Fox, S. L.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W.
Glynne, Sir S.
Gordon, hon. W.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.

Graham, rt. hon. Sir J.
Granby, Marquess of
Greene, T. G.
Grimsditch, T.
Grimston, hon E.
Grimston, Viscount
Guest, J. J.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hardinge, rt. hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hill, Sir R.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, W. A'Court
Holmes, W.
Hope, C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houston, G.
Hughes, W. B.
Hutt, F.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, J. D.
Jermyn, Earl of
Johnstone, H.
Jones, J.
Kemble, H.
Kelburne, Lord
Knightley, Sir C.
Lefroy, T.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
M'Taggart, J.
Mahon, Viscount
Manners, Lord C.
Marsland, T.
Marton, G. R.
Mathew, G. B.
Maunsell, T. P.
Meynell, H.
Miles, W.
Miller W. H.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, C. G.
Norreys, Lord
Northland, Lord
O'Neil, J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Pechell, Capt.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Pollen, Sir J. W.
Powerscourt, Visct.
Praed, W. T.
Price, Sir R.
Pringle, A.
Protheroe, E.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rolleston, Col.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Sandon, Lord
Scarlett, hon. J.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Colonel
Sinclair Sir G.
Smith, A.
Somerset, Lord G.
Sotherton, T. E.
Stanley, E.
Stanley, Lord
Stewart, John
Stuart, W. V.
Sturt, H. C.
Teignmouth, Lord
Thomas Colonel
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Vere, Sir C. B.
Verner, W.
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Wilbraham, R. B.
Williams, R.
Wilmot, Sir J. E.
Winnington, Sir T.
Wodehouse, E.
Wood, Colonel T.
Wood, Colonel
Wrightson, W.
Young, J.
Young, Sir W.

TELLERS.

Egerton, Sir P. G.
Knight, H. G.

List of the NOES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Adm. Sir C.
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Berkeley, hon. F. H.
Berkeley, hon. C.
Bewes, T.
Blake, W. J.
Blewit, R.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brown, R. D.
Buller, E.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Chester, H.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Collins, W.
Craig, W. G.
Crompton, S.
Currie, R.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duncan, Lord
Duncombe, T. S.
Dundas, C. W. D.
Dundas, J. C.
Easthope, J.
Elliot, hon. J. E.
Ellice, Captain
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Ferguson, R.
Fielden, J.
Finch, F.
Fitzroy, Lord C.
Fort, J.
French, F.
Gillon, W. D.
Gisborne, T.
Grattan, J.
Grattan, H.
Greg, R. H.
Grieg, D.
Grey, rt. hon Sir C. E.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, B.
Handley, H.
Hawes, B.
Hawkins, J. H.
Heathcote, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
Hume, J.
Hutchins, E. J.
Hutton, R.
James, W.
Jervis, S.
Johnson, Gen.
Lambton, H.
Langdale, hon. C.
Langton, W. G
Lister, E. C.
Lynch, H. A.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, F.
Parker, J.
Pattison, J.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Ponsonby, hn. C. F. A.

Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pryme, G.
Redington, T. N.
Roche, E. B.
Rundle, J.
Rutherford, rt. hon. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Shiel, rt. hon. R. L.
Shelburne, Earl of
Smith, J. A.
Smith, B.
Somerville, Sir W.
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R.
Steuart, R.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Vigors, N. A.
Walker, R.
Wall, C. B.
Warburton, H.
Ward, H. G.
White, A.
White, Col. H.
White, Luke
White, S.
Wilbraham, G.
Williams, W. A.
Wilshere, W.
Wood, G. W.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Jervis, J.

Bill read a second time.

REGISTRATION OF VOTERS (IRELAND)—ADJOURNED DEBATE.] Order of the Day for resuming the Adjourned Debate on the Registration of Voters (Ireland) Bill read.

Mr. *Dillon Browne* wished to offer a few observations on this important question. He felt it an imperative duty which he could not neglect as representing one of the largest communities in Ireland, to repudiate in the strongest terms the measure now before the consideration of Parliament, which ought to be called a measure for the disfranchisement of Ireland. He felt it a duty devolved on him as representing a large community, for so pernicicious were the tendencies of the bill, that in proportion as the area of any country was extensive, was it more fatally affected by it. He seldom took the liberty of intruding on the time of the House—time which he considered ought to be so valuable, knowing that that which he abstained from doing, would be more efficiently and agreeably performed by others. But on this present occasion, he thought that no Irishman who could raise his voice should be silent, whatever might be his capacity, as the peril in which his country was placed, called the humblest abilities into action. Indeed, no man need fear to address the House for the virtuous cause in which he was embarked, and the undisguised and palpable injury which was endeavoured to be done his country, would supply him with that eloquence and simple and natural arguments which result from the advocacy of justice and truth. He hoped, that during the course of the debate, or during the progress of the bill, that every Irish Liberal Member would be heard in opposition, for though little might be the effect of persuasion on hon. Gentlemen opposite, yet it would produce the result, that if the measure passed, they would ward off as long as possible, so great a calamity from their country, and would prove how much the public mind in Ireland was excited, and what a dangerous importance the measure had assumed. For when humble individuals like himself left their natural retirement, and assumed in the proceedings of that House the prominent part of debaters, there could not but be drawn from it a deduction, which was as true as it was startling, and as it was important, and which might be aptly illustrated by a metaphor familiar to all, that the straws would not be raised to the surface had the waters not been disturbed. He considered the bill as a measure the most aggressive upon the rights of Irishmen, which had been introduced for a long lapse of time, nearly inclusive of a century. For since the system of legislating grievances for that country (which the noble Lord wished to renew), was repudiated—since penal laws became unfashionable—since the first concession was granted to the Roman Catholic, there had been no attempt so aggressive on public liberty as that now made upon the liberties of Ireland. Since the Catholic first obtained a footing upon the soil, as time advanced the Legislature effected progressive improvements in his condition, and although those improvements slowly arrived, still there had been no attempt made like that to attack existing privileges, to despoil the Roman Catholic, without his consent, of all control over the machinery of legislation. He thought, that if the constitution of the country gave Parliament the power, it was dangerous for a Parliament, constituted as the present was, to attempt it. A Parliament elected by corrupt means, had no right to meddle with the constituency of Ireland. Was not the exercise of power and property to divert the franchise from its proper inclination an evidence of the the corrupt means by which that Parliament was elected? Was not the endeavour to separate the conscience from the vote a striking evidence of the fact? Were not the folios beneath which that Table groaned detailing fictitious votes, intimidation, and corruption, a striking evidence of the fact? Were not the reports of the Cambridge and Ludlow Election Committees conclusive of this assumption, that the House was elected by corrupt means? And certainly the great purity of that House might be well assumed from the proceedings on a late occasion, when, in its Conservative zeal, it forgot the ordinary courtesies of society, and hurried out a new writ creative of new bribery and corruption. Therefore, he thought that a House so constituted need fear imminent danger in meddling with the existing liberties of the people. They must recollect, that the governed had their rights as well as the governing, and that in the covenant between them there were conditions which it was dangerous for either party to violate. The bill before the House went to disfranchise the people of Ireland. That was distinctly proved by hon. Gentlemen who had preceded him, and especially the hon. Baronet who opened the debate, in a speech, luminous, temperate, and eloquent. The hon. Baronet had proved distinctly that there was no danger of the great evil anticipated by the hon. Gentleman opposite—the swamping of the *bona fide* voters by the fictitious voters. He had proved that the constituencies of Ireland were miserably small in comparison to the census of the country. He had given some details which were clear and indisputable, and he would add one to the number. In the county which he had the honour to represent there were 400,000 inhabitants and only 1,600 electors. As to fictitious voters, the best test was after a general election, in the consideration of the number of petitions forwarded to Parliament, and the result of those petitions. Notwithstanding the Spottiswoode conspiracy, how little evidence was there of fictitious voters, and wherever that evidence existed, they found those fictitious voters ranked on the side of Conservatism. The Liberal party had almost invariably succeeded. They had the Dublin, Westmeath, Longford, Tralee, Youghall, Carlow, and other election petitions; on the other side there had been only one or two instances of success. One of those, the Kinsale election petition, in which a Committee of the House admitted fictitious voters, contrary to the opinion of the judges. The declared object of the bill was to assimilate the registrations of England and Ireland, and to provide for the rejection of fictitious voters on the registry. That was to be done by annual revision. But what was the covert design of the present bill? Annihilation of the franchise. For annual revision, under the circumstances, in Ireland, meant nothing else. The poverty of the people, the tyranny of landlords, the law's delays, the uncertainty of the law, and the thousand obstacles which he unfortunate peasant had to encounter in his weary pilgrimage in search of the franchise, made annual revision little less than total annihilation. And then the unfortunate peasant was only to enjoy his right for six months, for if there was an appeal made from the assistant barrister in September, he could not be admitted to the right of voting till the subsequent March, and then he only enjoyed it for six months more, when again his qualification was questioned at the annual revision. Why did not the noble Lord introduce an explicit bill declaratory of his real object, which was a large increase of the qualification of the Irish voter? Why did he not boldly attack the franchise, and not introduce a cruel and hypocritical bill of that kind, which pursued the unhappy peasant with the slow and steady pace of the wolf, till, exhausted, he was obliged to yield up all political vitality. The bill was illustrative of the political history of the noble Lord. Attaching great importance to minor objects for the sake of perplexity, scattering the seeds of his natural petulancy amid the humblest machinery of Government (for the contending parties in Ireland would have a bone for contention in every clause of his bill), creating angry feelings and difficulties, where the greatest order and simplicity should prevail, in fact, vexation was a synonyme for the bill, and the notice of the claimant, harrassing and perplexing, was as an epigram of one of the speeches of the noble Lord. He would ask, why were not the Protestant clergy obliged to give that notice? Why were they not obliged to enter their Christian names in full? He supposed they had so many Christian virtues that there was no necessity for a record of their Christian names. No, the object was that ungenerous one to throw any difficulty in the way of one party, and to embarrass as little as possible the other. For his part he would rather see Catholic Emancipation repealed than see the bill carried; for while the franchise had been granted by Parliament to the Roman Catholic, that bill took away from him the opportunity of enjoying it. It was, as Mr. Lawless once said, showing him a desirable situation in a lofty building, and taking away the ladder by which he could ascend. The measure would destroy the Liberal constituency, and place all the power in the hands of the Conservatives. He would rather see the Catholic Emancipation Bill repealed, for then, though Catholic Members could not be returned to Parliament, they would have (with the assistance of the honest forty-shilling freeholders) the power to return Liberal Protestants, who would regard the interests of their common country, as they did before, with no vision jaundiced by religious or political prejudices— but with a noble emulation to serve their country without the paltry distinction made between Catholic and Protestant. The bill would virtually repeal the Relief Bill; it would do more than that, it would take away from the Roman Catholics the property which had been conveyed to them by the Constitution, without restoring to them the purchase money. Did the noble Lord think that, by that means, he would maintain the stability of the Established Church? Did he mean to do so by the means of perpetual aggression? The Established Church —he spoke numerically—was an insignificant minority. The Roman Catholics of Ireland was a great majority, which had wonderfully increased within a few years in wealth, intelligence, and determination. Did the noble Lord think that such a minority could exist in perpetual aggression against such a majority? The noble Lord, in his desire to attack the liberties of the Irish people, only looked progressively. The noble Lord did not take a retrospective view of the circumstances under which those liberties were achieved. He did not compare the condition of Ireland when those liberties were first attempted to be maintained, and the present condition of the people of Ireland when he despoiled them of them. If the bill passed, it would shake the very fabric of society in Ireland; it would scatter the seeds of discord in every hamlet and every town; it would give a brief to every demagogue; it would, perhaps, convert the patriot into the traitor; it would justify the language of sedition on the principle of right and justice, and it would make many a man exclaim in those spirit-stirring words, the truth contained in them rendering them still more dangerous—"*Nos neque imperium neque divitas petimus, sed libertatem quam nemo bonus nisa cæca anima simul omittet.*"

Mr. *J. Young* said, that every grievance, however imaginary, had been brought to bear on this question, and threats of physical force had even been resorted to by the other side, which, however, had now lost all their terror. All that hon. Gentlemen on that (the Opposition) side of the House sought, in supporting this bill, was to provide an efficient remedy for great and flagrant abuses, which were on all hands acknowledged to exist in the Irish registration, as was proved by the number of bills which had been brought in to amend the present system. All who were acquainted with the present state of Ireland knew that the grossest fraud and perjury prevailed among those who claimed to be registered. He would refer to the testimony of Mr. Scriven, an assistant-barrister, who described the amount of perjury as frightful. [Mr. *O' Connell*: He is an Orangeman.] That did not invalidate his testimony. He could only account for the opposition to this bill by supposing that its opponents were anxious to substitute for the franchise, as fixed by the Roman Catholic Bill, one of a lower character, which would be more convenient for their own party views and purposes. The outcry which was raised against the removal of fictitious votes, as an act of injustice, reminded him of an anecdote he had heard of a contest between two Malays, in which the stronger man, after having heartily thrashed the weaker, turned round to the spectators and complained of his pitiful case, in being so maltreated. He should vote for the bill, believing that not one of its clauses could be fairly objected to by any one who was sincerely desirous of correcting abuses so often pointed out.

Mr. *W. V. Stuart* said, that it was quite unfair to charge his side of the House with wishing to retain the evils of the present system of registration in Ireland, as had been done by several hon. Members opposite. It did not follow, that because they did not choose to adopt the bill of the noble Lord, that they were therefore adverse to improvement. They were willing to abolish the evils, but they would do so without curtailing the franchise. He considered that there existed various powerful arguments against the adoption of the bill before the House. One of the chief of them on his mind was, the machinery introduced to work out its theory. He feared that that machinery would render it impossible to fulfil the purposes of the Constitution, which, he believed, were, that a majority of electors should return Members to Parliament. At present, even with the octennial registration, there existed a great apathy on the part of the people of Ireland to register. How would it be, then, when the same trial and trouble was made an annual imposition? He was afraid that the result would be, that the electors wou'd wholly forego their franchise, and again look for redress of their political grievances to those secret societies which had been the curse of that country. The evils of the present system arose, in his opinion, from the indefinite wording of the Reform Act as to the qualification of voters; and he was convinced, that at no distant period, it would be found necessary to alter that measure as regarded that point. The primary objection to the bill of the noble Lord, however, was, that it impeded, instead of facilitated, the obtainment of the franchise, and on that ground alone he (Mr. Stuart) would give it his most strenuous opposition.

Mr. *William Roche* said, that the hon. Gentleman who spoke last on the opposite side, treated the House with an East Indian anecdote, which reminded him (Mr. Roche) of an English one. The celebrated poet, Pope, had been in the habit of using, when his temper was excited, the exclamation, "God mend me," and happening so to express himself on remonstrating with a post-boy, who drove him unsatisfactorily, the postilion repeating the words, added, "it would be much easier to make you over anew;" Pope being personally not well formed. Such, too, was his (Mr. Roche's) opinion of the noble Lord's bill, deeming it, as he did, a measure so bad and incurable as to be unsusceptible of improvement, and requiring to be extinguished altogether. It could not be modelled into any beneficial purpose. The same hon. Member too, used, in characterising the present bill, a rather strange misnomer, calling it one of simplicity, whereas a bill more complex, more embarrassing, or tortuous, was never laid on the table of the House. The hon. Member also insinuated, that encouragement was held out to physical force in Ireland, by the opposition to this measure, whereas nothing was more manifest than the anxious and perfectly successful efforts made to prevent any such outbreak and unhappy result, but to confine hostility to the more salutary and convincing weapons of argument and truth. The hon. Member had also animadverted on the revival of the Repeal of the Union question, upon which subject he would only remark, that it was unjust and exasperating measures like the present, which goaded the Irish into such thoughts and desires, and would furnish aliment for the wish, until Ireland was placed at the side of the sister countries, in possession of a perfect equality in all constitutional rights; less than which she would not submit to, and less than which she ought never to be content with. He very recently presented a petition, signed by several thousands of his constituents, and embodying the sentiments of of many thousands more, in uncompromising hostility to this measure, introduced though it was under the smooth and imposing, but delusive guise of purification and improvement. He fully participated in those sentiments, and in the anxiety and alarm which pervaded Ireland, deeming the bill alike destructive of the rights, and derogatory to the character of his country. He therefore would give it his most determined opposition, and act in concert with those who meant to battle against it, in every stage of its progress, and resist every clause of its enactments. The very first of them inflicted enormous trouble, expense, and turmoil, on the whole constituency of Ireland, by requiring an entirely new registration, although the voters had only just gone through that ordeal, in obedience to the provisions of the Reform Act. The Irish representatives on that (the Ministerial) side of the House, solely because they sat and voted there, were charged with owing their returns to Parliament to those fictitious means which this bill professed to cure; whereas, if a judgment were to be formed from the late exposures at Ludlow and Cambridge, and many other places, not a tithe of the chicanery and corruption which prevailed in England had existence in Ireland, where even the poorest class of voters were in the habit of resisting temptation, and braving, intimidation, even to rendering themselves houseless and pennyless, rather than violate their consciences, or injure their country. With respect to himself he could say, that having been three times successively and nearly unanimously returned to Parliament, by the spontaneous kindness of his fellow-citizens, the more pure, free, full and fair the elective franchise was made, both in its acquisition and practical exercise, the more satisfactory to him. He had occasion to fear only the opposite practices of corruption and intimidation. Therefore, if the genuine object of this bill were to promote fairness and honesty, instead of undermining the popular portion of the franchise, it should command his willing and zealous support. But if this bill were so useful and innocent as represented, why had it not been made general, and England and Scotland admitted to share its blessings and advantages. If, on the contrary, its real object, or at least its obvious result would be to gradually narrow and finally extinguish the popular part of the franchise in Ireland, was it to be tolerated that the Irish should be told that though the promoters of this measure dare not offer such a bill, or such an insult to this country—though it would be repudiated with scorn by the English—they must receive and digest it as they best could? It was too bad that when Ireland had so much reason to complain of its already too limited constituency, and was pressing for its increase, such a necessary concession should not only not be granted, not only simply denied, but as if in punishment or derision of their effrontery in asking at all for redress, they should be visited with an increase of the grievance instead of the required relief. When they asked for the removal of existing obstructions to the voters, they were treated with an augmentation of the evil, instead of the removal of complaint. But why this peculiar attack on the Irish constituency? solely because it dared to return some two-thirds of its representatives to that (the Ministerial) side of the House, in opposition to the interests and principles of the Gentlemen on the other side. Were it the contrary way, the constituency would assuredly be *couleur de rose* for the hon. Gentlemen opposite, and eulogium, not vituperation, would be the order of the day. He felt, however, though mortifying that measures like the present were not unattended with some consolation, reviving and re-animating as it did that spirit of patriotism, vigilance, and energy which was latterly becoming a little torpid, and becoming so because of the reliance—the very just reliance, which the people of Ireland reposed in the good intentions of the present Ministry, marred though these intentions so frequently and seriously were, by the opposition of their adversaries; and because of the people's gratitude for the just and generous administration of affairs in Ireland under the upright and spirited viceroyalty of a Normanby, and still continued by the mild steady and equitable sway of an Ebrington. But how could this obnoxious measure be persevered in now that the Government had undertaken to bring in a bill calculated, it was to be hoped, to cure any existing defect, but not to extinguish, like the present bill, every existing good, so far, at least, as regarded the popular part of the Irish franchise. He agreed in the sentiment of the hon. Member for Waterford, who just addressed the House, that every ease and facility should be given to the fair attainment and exercise of the franchise for otherwise it would be converting a privilege into a penalty, and the palladium of every other political right into vexation and punishment. As regarded purifying the elective system, whether in reference to the electors or elected, he was decidedly of opinion that *Ballot* would be the only sound and effectual means, and sure he was that the common sense of the country together with every day's progressive experience of the utter inadequacy of all other remedies would ere long cause it to be imperatively called for. On the whole that he deemed this bill destitute of one redeeming quality—to be a mass of intricacy, embarrassment, and one that would finally work out a total extinction of the popular portion of the elective franchise. Were it sent to an examination of its details in committee, they would have to battle with every clause from its preamble to its conclusion, and therefore both its own inherent mischievousness, and the time of the House called for an immediate and decisive overthrow instead of allowing it to linger in committee, and like (he might say), a "wounded snake drag its slow length along." He would, therefore, cordially support the amendment, and consequent abandonment of so incurable and pernicious a measure.

Sir *G. Sinclair* said, that in spite, or or rather in consequence, of the objections which had been marshalled in such formidable array, he was persuaded that the measure introduced by his noble Friend was equally sound in its principles, and effective in its provisions. Its usefulness would be almost proportioned to the fierceness with which it had been assailed, and to the industry with which it had been misrepresented. If passed into a law, it could not fail to promote throughout Ireland the triumph of justice, morality, and independence. He regarded it as essentially connected with true Roman Catholic emancipation, because it tended *pro tanto* to liberate the unfortunate peasantry of that persuasion, at least so far as politics are concerned, from being subject to the thraldom of the priest, or succumbing to the threat of the demagogue. How many were now compelled, by one or both of these sinister influences, to register, although they knew that they had no right to vote, although they were conscious that they had no liberty? How many were painfully aware that no option was presented to them but that of reluctant ingratitude at the hustings, or appalling denunciations at the altar? How many were obliged to support a stranger whom they never saw, in preference to a landlord whom they have long revered? How many would consider disfranchisement as a boon, and were thankful to the proprietor for allowing them to hold their possessions by such a tenure as should exonerate them from the misfortune of being encumbered with a privilege which they dare not exercise in a manner consonant with their feelings and their judgment. They were ensnared and enslaved by a faction which would deem it a far graver crime for a *bonâ fide* voter to support West and Hamilton, than for one who was indebted for his suffrage to perjury or persecution, to vote for O'Connell and Hutton. He should here very briefly notice the two most prominent advantages by which this bill was entitled to be favourably considered. In the first place, what could be more consistent with equity, than that a judge should possess in both cases the jurisdiction already assigned to him in one? It was, no doubt, a great hardship upon an individual to be rejected when he produced a *bonâ fide* qualification; but was not a whole constituency aggrieved by every claim improperly admitted? Was not every honest elector injured, when his vote was neutralized by the concurrence of one whose title he knew to be altogether unfounded? All men were in some measure avowedly, and perhaps to a greater extent, unconsciously biassed in coming to any decision in political matters, by their private wishes and opinions; but no class of persons was so exempted from this infirmity as the judges, who acquired a habit of dealing impartially with all questions, not only from the very sanctity which belonged to their exalted office, but from being daily called upon to consider and determine cases altogether unconnected with politics between individuals to whom they were entire strangers, and in regard to whose conflicting interests they cannot possibly be influenced by any personal or unworthy motive. But barristers all glory in being politicians and partizans; they are aspiring to the high dignity which the judge already enjoyed, and which, under the auspices of the present Administration, can best be attained by the most unswerving and unscrupulous devotedness to their measures and to their interests. On this point he rejoiced to think that he could quote, in support of his views, the powerful, though now repudiated declaration of the hon. Member for Dublin. In this instance he did not think that the hon. and learned Member's second thoughts were best. With all his ingenuity he had hitherto entirely failed to weaken the force of his own arguments, or mar the felicity of his own illustrations, although the hon. and learned Member certainly had proved to a demonstration, that much might be said upon both sides. He could scarcely account for his change of opinion upon any other consideration than that the number of Whig judges in the Irish bench had increased, and is increasing, (though he did not add, and ought to be diminished), and that, perhaps, the hon. and learned Member, as he had as much confidence in their talents and integrity, as he had, in the impartiality and discernment of their thorough-going Tory predecessors. But he would next observe, that the more frequent revision of the registry was not less beneficial than important. The present system operated as a premium upon perjury, injustice, and personation. A man would commit a crime when assured of eight years of impunity, which he would scarcely think it worth his while to attempt, if he were liable to lose the fruits of it at the end of twelve months. Why should not some subsequent discovery of imposture, some *fraus noviter veniens ad notitiam,* enable a constituency to purify its roll by the elimination of some intruder who had never any right to be there? These were, undoubtedly, the two chief considerations by which Gentlemen on the other side of the House were formerly induced to bring in bills in almost every particular analagous to the present. But then,

> " Each, like the Grecian artist, wooed
> " The image he himself had wrought,"

and ceased to support an identical measure when introduced from another quarter; nay, it even appeared as if they had been startled by the probable efficacy of their own propositions, and were more afraid of injuring their own interests by the application of a remedy, than anxious to benefit the country by the removal of the disease. He should now, with equal conciseness, notice the three main objections urged against this bill. The first, at least in point of seniority (and which, indeed, was older than the bill itself) was, that it emanated from his noble Friend. He expected to hear some of the Irish Members, and especially those for Carlow and Kilkenny, addressing to his noble Friend the language of indignant expostulation, and saying, " Why are you intruding upon our province, and putting your sickle into our harvest?" There might, perhaps, be some justice in these remonstrances. It might require the pencil of a Raphael to delineate accurately the evils of the existing system. But, on the same principle, which entitled the noble Secretary for the Colonies to stand forward and propose to rectify any abuses incident to the English Reform Bill, his noble Friend, as the author of the Reform Bill for Ireland, as having long been officially connected with that country, and being numbered amongst its most extensive and popular landed proprietors, as well as from his splendid talents and high character, is, of all men, the most qualified and the best entitled to take the lead upon such an occasion. Why, he really expected that the liberal party in Ireland, who arrogated to themselves an almost exclusive attachment to purity of elections, would have voted a piece of plate to his noble Friend, instead of denouncing him as a scorpion, a term, which had been eagerly adopted by the hon. Member for Dublin, at which he was not at all surprised, as he had so often winced under the scorpion's sting, and even showed such strong symptoms of *scorpiophobia* when this subject was last discussed, that, although by the courtesy of the House, the author of any bill had always the privilege of speaking last on the evening of the second reading, the hon. Member cautiously abstained from rising until his noble Friend had finished his reply, although the debate, which he himself had insisted upon getting adjourned on the preceding night, had almost expired for want of speakers at the early hour of eight o'clock. The second objection to this measure was one, for which he was in candour bound to admit, that there was considerable foundation. There could be no doubt, that its provisions would prove highly detrimental to the interests of certain *bonâ fide* electors, that was to say, of the voters connected with any party which would find itself in a minority, if it did not swell its ranks by calling in the aid of perjured and fraudulent auxiliaries. But the *bonâ fide* electors, who were now swamped by such iniquitous practices, would hail this measure as a boon; and, as to any additional inconvenience arising from more frequent attendance at the registration courts, they would account this as no trouble, but rather a pleasure, if they were thus enabled by legitimate means to avoid the recurrence of defeat, and ensure the achievement of a triumph. But, lastly, it was contended, he should not now enquire, whether justly or otherwise, that the number of electors in Ireland was too limited. Was this, however, any ground why the number should be augmented by illegal and nefarious expedients? If Cumberberland had more voters in proportion than Cork, or Rutland than Roscommon, did this consideration afford any pretext for screening perjured or personating claiments from being expunged? Supposing that a culprit were arraigned for uttering forged notes or counterfeit guineas, he thought he would stand a much greater chance of transportation than of acquittal, if he had no other plea to urge in his own defence, than to draw from his pocket at the trial, a rent roll of the largest estates in England, and allege his own comparative indigence in justification of his crime. Why, it was maintained, with equal vehemence, that Ireland had not enough of representatives in this House, and it would, no doubt, be very convenient for her Majesty's Ministers, if, by means of fraud or violence, some forty or fifty additional Irish Members could be introduced, which would, he believed, be not only the surest but the only successful device for reinforcing their rickety and precarious majority. He maintained that this was a British as much as it was an Irish question. This House, or rather the aggregate constituencies of the united empire, must be deeply and vitally interested in every measure which tended to ensure the return of representatives fairly chosen, and to facilitate the exclusion of individuals, who were indebted for their seats to such resources as fraud or subornation. The object for which fictitious electors were introduced in the registration rolls was, that fictitious Members might be sent to that House, and that, through their illegitimate influence, a system of misgovernment might be indefinitely prolonged, and the voice of genuine representatives be disregarded and overborne. It was impossible on such an occasion to avoid making a few comments upon the present state of Ireland, which so often afforded to her Majesty's Ministers and their adherents a theme for triumph and gratulation. Ireland, they were told, is tranquil, but so was an army completely equipped for battle; the commander-in-chief gives the word to "stand at ease," although they are prepared to obey him with still greater alacrity, when he orders them to "make ready, present, and fire." Had not Father Macguire himself, the accredited Popish champion in all polemical conflicts, openly proclaimed that he himself and nine-tenths of his sacerdotal coadjutors, are resolved to bring their respective contingents of tee-totallers into the field, if a line of policy should be adopted which does not meet with their sanction and approval? Ireland was only quiet because the so-called popular party are allowed to have everything their own way; because their hands are filled and their mouths are stopped, by an unexampled and most rigidly enforced monopoly of the favour and influence of the Crown. He once read somewhere of an Indian Nabob, who boasted not only that he had succeeded in taming a hyena, which had long been the dread and terror of the neighbourhood, but that he had achieved this object by a simple expedient. "All that I did," said he, "was to cause a very large supply of garbage to be deposited every morning at a respectful distance from his den, and to forbid all my subjects, under pain of incurring my displeasure, to intrude upon his haunts, or interfere with his habits." "But, sir, pray what would happen if your highness's daily tribute of carrion should be withdrawn?" "Oh, he would, no doubt, in that case, be found as savage and untractable as ever." And so would the Irish patriots, if the current of promotion and patronage were to flow in an opposite direction. At present they are literally drenched with golden and most copious showers of honors and emoluments. It never rained but it poured. There never was such an alarming mortality among bishops, judges, and public servants of every class and description, as since the accession of her Majesty's Ministers. One could never take up any Irish paper, and more especially the *Post* or the *Pilot*, without finding the earliest intimation, that some meritorious functionary had been dropping off, and some lucrative office dropping in. All the Liberal peers either were, or intended to be enrolled among the Ribandmen, and although upon every vacancy in any department "Methinks there are six Richmonds in the field" to supply it, the unsuccessful candidates consoled themselves by reflecting, not only that, according to the old adage, "All is not lost that a friend gets," but by cherishing a confident hope that their turn may come next, for it was quite certain that, whilst the present Government continues in office, the most incompetent Whig would, in every instance, obtain the preference over the most distinguished and best qualified Conservative competitor. But he must here notice another anomaly in the present state of Ireland—the state of galling slavery and degrading responsibility to which many of its representatives are reduced. The hon. Member for Dublin seemed to have established a sort of political papacy in his own person. All the Members whose return his influence had contributed to promote, must look up to him as the keeper of their consciences, and surrender the right of private judgment. If they presumed to disobey his mandates, they must hold up their hands, and submit to be arraigned before his tribunal; the offence was, in a political sense, a capital one:—

"Off with his head—so much for Brabazon!"

And two other hon. and gallant friends of his would also have been cashiered or ordered for execution, if they had not pleaded guilty, and been strongly recommended to mercy. When would Irish gentlemen shake off this ignominious bondage, and cease to lick the dust at a self-installed dictator's feet? They were, no doubt, "all honourable men," as well as hon. Members, and independent men too, but with two somewhat stringent limitations, namely, that they must never vote in opposition to the wishes of the learned Member for Dublin, or even presume to act upon the modest *mezzotermine* principle of *non tiquet*, by absenting themselves from any division. But her Majesty's Ministers are sunk into the same state of abject dependence upon the same absolute authority. It may be fairly inferred, from the speech of the Secretary for the Colonies, that the hon. Member for Dublin had ceased to be his own trumpeter, and that the functions of that high office had devolved upon the noble Lord. They were aware that their enjoyment of place on this side of the water can only be co-existent with the continuance of his power upon the other. They seemed to have furnished him with a letter of license to say and do whatever he pleased without responsibility or restraint. The hon. and learned Member expressed his determination to devote all the energies of his mind to the furtherance of an object which they themselves had declared to be equivalent to the dismemberment of the empire; and what did the Prime Minister say to this? Why he strove to get rid of the subject, by assuming a tone of unstatesmanlike *poco-curante*ism and ill-timed jocularity, and scarcely ventured to go so far as to

> "Just hint a fault, and hesitate dislike."

But this matter was too serious to be trifled with. The poet told us that, in the case of merit, it is possible to "damn with faint praise;" and he would presume to add that, in the case of misconduct, it is easy to encourage by feeble disapprobation. He questioned whether any of her Majesty's Ministers in this House would indignantly notice, on the present occasion, the recent attempts to excite agitation, and organize resistance in Ireland; but he told them that, if they did not, "*cum tacent, clamant*," and that they criminally sanctioned such proceedings, if they shrunk from the duty of condemning them. There was, however, after all, one point of view in which, perhaps, their conduct was defensible. They might, perhaps, concur in the opinions entertained by ninety-nine persons out of every hundred, in reference to the epistles and orations of the hon. Member for Dublin—that all his promises are fudge—that all his menaces are moonshine. He scarcely thought that the hon. and learned Member himself would stand up and declare, in this House, that he either expected or wished to effect the repeal of the union. The hon. Member could not deny that it was merely a worn-out and weather beaten stalking-horse, which even the Irish public was by this time quite sick of seeing so often paraded before them. He was informed, that the hon. Member had lately invented a repeal button. It seemed to be a very apt and significant emblem of the degree in which he cared for the question. In fact, it was universally admitted that the war-whoop, or rather sham-fight-whoop, of repeal, was now altogether at a discount; that it had ceased either to stimulate the enthusiast, or to terrify the alarmist, even throughout the various districts in Ireland in which the proclamations of the hon. and learned Member had the force of law, or rather the force which the law had not; and he might observe, that these manifestoes, however flaming, and however flowery, reminded him, in one respect, of certain puffing advertisements, promulgated by crafty and plausible empirics, in which, after reiterated allusions to their own long experience and disinterested humanity, they invariably concluded by adding, "correspondents in the country are expected to inclose a bank note."

> "Societies may flourish, or may fade,
> A breath can make them, as a breath has made;
> But a bold *pisanty*, their country's pride,
> Now grudge the cash so fruitlessly supplied."

And, therefore, the sinews of war are very sparingly forthcoming. The people of Ireland are beginning to open their eyes, and consequently to shut their purses. Contributors are literally worn out by a system of perpetual pre-payment. They find that their shillings never fructify to their own advantage in the unfathomable exchequer of these ephemeral institutions; that their great leader, like Falstaff, is no friend to the double trouble of paying back, and for this reason, if I might borrow a Chinese phrase, the silver is not "oozing out" so rapidly as it used to do;

and when confiscations are exhorted at chapels, or auditors entreated at public meetings to prove the liberality of their political sentiments by the largeness and alacrity of their donations, they seem disposed, and very naturally, to exclaim, in reference to the destination and the prospects of their money,—

> " Vestigia terrent,
> " Omnia te adversum spectantia nulla retrorsum."

If he could only ensure a smooth passage across the channel, and obtain such a safe conduct as might be depended upon, he should like of all things to address the "mixed multitude" on the Corn-exchange. He might, indeed, find some difficulty in composing a picturesque peroration, *à la Claude Lorraine*, embellished with green valleys, lofty mountains, fertile plains, and meandering rivers; but he should take care that his hearers should be reminded for the seven hundredth time of the 700 years, during which their country has been misgoverned by England, according to the hon. and learned Member, or, as he contended, by the Pope. But he should at all events be provided with a ready made and indispensable exordium, for no speech would go down upon such an occasion, that was not ushered in by "hereditary bondsmen ;" and he should, therefore, begin by exclaiming, "Hereditary bondsmen to your agitators and your Priests, how grossly have your understandings been outraged, how wantonly have your feelings been excited, how cruelly have your hopes been disappointed! Did one of you ever derive, from being enrolled in the ranks of the precursor society, any benefit equivalent to the shillings which you paid for your admission? Mr. O'Connell tells you that he is trying an experiment. Believe me it is an experiment upon your patience and credulity. I was not at all surprised at being asked last year by a respectable tradesman, who premised that he was no scholar, whether precursor was the Latin word for dupe? An experiment implies, on the part of him who embarks in it, a belief in, at least, the possibility of his own success. If you saw a man jumping in the Phœnix park, and he were to say that he was trying an experiment whether he could leap over the moon, you would at once infer that he was either a lunatic or an impostor. Mr. O'Connell knew as well as he did, that as long as there was a House of Lords, or even a reformed House of Commons, he had just as good a prospect, and no better, of carrying through Parliament any of the measures which he professes his anxiety to see enacted. But his real object merely is, to keep the present Ministry in office on any terms, and at any price, and to ensure their co-operation by holding out the hope of advantages, not one of which he knows can ever be realized. There has not been so dexterous a wizard since the days of the bottle-conjurer, who contrived to make a gaping multitude pay their shillings, in the confident expectation that they would see him step into a pint decanter; and you, my friends, are such tractable camel-swallowers, that if he were to sow a field with flints, and solemnly affirm that if they did not, in the course of twelve months, yield a plentiful crop of potatoes he would hoist the standard of repeal. You would all, to a man, not only wait most patiently, but anticipate the favourable result. Do you really think that he himself for a single moment expects to obtain a larger proportion of representatives for Ireland, or a further confiscation of the property of the Church? He does not even dare to broach either subject in the House of Commons. Ask him why he allows so many months to elapse, or rather sessions to pass, without having taken one single step in furtherance of the schemes which he declares to be indispensable to the best interests of his country? The truth, my friends, is, that he is quite unrivalled in the histrionic art—to him 'All the world's a stage'—'*Modo me Thebis, modo ponit Athenis*,'—to-day, he is all and all with the Jews—to-morrow, hand and glove with the Jesuits—one week he is feasting at Liverpool—another time fasting at La Trappe; but you have often the good fortune to witness his inimitable performance of characters which he is very shy of assuming on the Parliamentary stage. He is great as Sir Giles Overreach, and I defy you to match him as Sir Benjamin Backbite. In the former of these characters, he contrives to buoy you up with the fond expectations of unattainable benefits, or rather of objects which, even if acquired, would in no respect ameliorate your condition, by causing you to enjoy one comfort more or endure one privation less. If all his plans were accomplished, you would ere long be mournfully exclaiming, 'Was it for this that we have been breaking so many heads at fairs, and so many promises at hustings? Was it for this that we have so often trudged twenty miles in the dead of the night and in the middle of the rain to attend anti-tithe meetings, when we might just as well have stayed in our beds?' But, my friends, when enacting the other part, does he not strive to excite in your breasts an unfounded and unextinguishable animosity against his opponents (who, let me tell you, are often, in reality, your best friends), by branding them with names and overwhelming them with calumnies, which, in their presence, and within the walls of Parliament, he seems to have registered a vow in heaven never to reiterate? Not long ago he designated my noble Friend, the author of this bill, as a bad man! Will he venture to repeat this charge in the hearing of his friends? Will he tell the British House of Commons that my noble Friend is a bad son, a bad husband, a bad father, a bad neighbour, a bad landlord, a bad christian? Has he ever been bad enough to sacrifice principle for the sake of place, or to promote his private interests by exciting the worst passions of others? But, my friends, in order to convince you that you are deceived by Mr. O'Connell, allow me to contrast two cases, in the one of which he is in earnest, in the other not. To you he says, "Support the only good Ministry that Ireland has had for 700 years." Now here I allow that he is quite serious, and therefore if any of you were to disobey his mandate, and in the free exercise of the electoral franchise, (given, as he seems to think, to be exercised according to his discretion, and not to yours) should vote for Colonel Conolly in Donegal, or refuse to support Mr. Gisborne, the "great unknown," at Carlow, a death's head would be painted upon his door, his own head would probably be broken, and he would be sent to Coventry by all the patriots, and to a worse place by all the priests. But, on the other hand, he says to you, "This Ministry must do justice to Ireland," a phrase of many meanings, but which now seems to denote *inter alia* the confiscation of the rent charges of the Church, and a large addition to the number both of electors and representatives of the country. Now here he is *not* in earnest, and when the Ministry show no alacrity to bring forward, and no willingness to support such propositions, there are no cross words levelled at them, and no cross-bars chalked up in Downing-street; they may neglect your interests, and overlook his menaces with the most perfect impunity. Be not then any longer deluded and duped —rest assured that, even if the whole Church revenues were swept off to-morrow, not a shilling would find its way into your pockets, and that the repeal of the union could only be achieved through the medium of bloodshed and revolution." The Conservative party, continued the hon. Baronet, was not unfrequently reproached with asserting that her Majesty's Ministers are kept in place by commanding the support of a majority of the Irish representation. Why, this very circumstance was much oftener dwelt upon by the hon. Member for Dublin himself, as a source of exultation on his part, and a claim for gratitude on theirs. He was far from drawing any invidious line of distinction between the members deputed from the different portions of the united empire. He entertained the highest respect, not only for the Irish Gentleman who sat on his side of the House, but for many (such as the Members for Kildare and Roscommon, for the city of Waterford, or the town of Galway) whom he had the misfortune to see opposed to him. But he could not fail to observe that this scanty Ministerial majority was eked out by the votes of some gentlemen from Ireland, who would not be returned to Parliament if justice were done to all parties, the principles of the law clearly defined, and its provisions impartially applied, this was the only object for which this bill was introduced. This was the only ground upon which it was supported. His noble Friend had fearlessly undertaken and faithfully discharged a most important public duty. The demagogue might pour the vials of slander upon his motives—the priest might threaten him with the assassin's knife—but he had established an irrefragable and imperishable claim upon the respect, the admiration, and gratitude of all who were anxious to restore the lustre and secure the permanence of our national institutions.

Lord *C. Russell* was sorry he could not join in the praises heaped upon this bill. It seemed to him that, independent of more serious objections, the machinery was so cumbrous and oppressive, that the poor Irish voter must sink under it, and that the bill would inevitably destroy the franchise in that country. The manly character of the noble Lord who proposed it, his chivalrous bearing, his openness and candour in debate, all forbad him to think that the noble Lord intended such effects; but the noble Lord might as easily be mistaken in his policy as his bill would be unfortunate in its operation. It was particularly unfortunate that the noble Lord should have introduced such a measure, founded on the English system, when the Government were about to introduce a better one in this country; but, notwithstanding, they were invited to decree that system good enough for Ireland. It was avowed that it was to limit the number of voters in Ireland; but the electoral body was already so attenuated, that he wished he could add to it instead of diminishing it. But it seemed not to be the question of how much they could grant, but how much they could take away from Ireland. He could not prophecy what would result from the present partizan re-action against the progress of liberality in Ireland; but it seemed, if he might judge from the wild cry of insanity that reached them from without, that the aspirations of the party went first to extinguish the franchise, and then to deprive the Irish of the hard-won right of Catholic emancipation. That would be a difficult task—but be that as it might, the desire prevailed; and it was certain that if they passed the bill then before the House, they might furnish inflammable materials enough to light a torch of discord which perhaps they would never see quenched, and which might eventually serve to set fire to the pile on which they might sacrifice the liberties already achieved by the Act of Catholic Emancipation.

Mr. *H. Grattan* congratulated the noble Lord who had just sat down upon the sentiments which he had expressed. The people of England did not know what they owed to the family of Russell, but the people of Ireland would never forget it. He regretted to have heard the extraordinary and lamentable exhibition that had preceded the speech of the noble Lord. He had often heard of plays in that House, but he had never before heard of a farce. The hon. Baronet and himself had spent some portion of the earlier part of their lives together, and in the heyday of youth the hon. Baronet was certainly so much of a patriot as to carry the speeches of Charles James Fox in his pocket, and was in the habit of repeating extracts from them. [Sir *G. Sinclair:* "No, no, no."] In the main he was pretty certain that the hon. Baronet was a patriot. Therefore it was that he was surprised at the want of good feeling, good taste, and, he might add, good sense which characterised the speech of the hon. Baronet, and for which qualities the part of the country from which the hon Baronet came was distinguished. The people of Scotland were kind and just, but in the speech of the hon. Baronet there was neither kindness nor justice. One passage of the hon. Baronet's speech implied that the bills thrown to the Irish people by the Government were mere garbage. [Sir *George Sinclair:* "No, no."] That was the very word of the honorable Baronet, who had drawn largely upon his own fancy and on Claude Lorraine. In another passage of the hon. Baronet's speech the priests were represented as threatening with the knife of the assassin. He must say, that when a Member presumed to make a charge of that sort, against persons who were bound by their oaths to preserve the public peace, he must say, that it was one of the most audacious things he had ever heard uttered in that House. Nay, more, he would add, that in olden times, an hon. Member making such a declaration would have been stopped, and his words taken down. He pardoned the hon. Baronet, however, for the words were not his own—they had been put into his mouth by another hon. Baronet, who had obtained some notoriety from the malignant calumnies which he had circulated against the Irish people. He would be ashamed to produce to the House the calumnies of the hon. Baronet's coadjutor, but although they might be insulted by the legislation of that party, they would not be insulted by the language. The Irish had passed over many injuries that they would not, and they ought not, to forget. The hon. Baronet had made an assertion with regard to the rev. Mr. Maguire, which to his (Mr. Grattan's) knowledge was unfounded. He had asserted that Mr. Maguire had stated, that he would have 200,000 tee-totallers to oppose Lord Stanley's Bill. Now he never permitted improper language to be used in his presence; and if such a statement had been made, he would most decidedly have opposed it. If the present bill passed into a law, that would probably be the last time when he should have the honour to address them, for he would never consent to sit in a House which would pass such a measure. Hon. Members might rest satisfied that the bill was levelled not only against the Irish, but against the English. The bill was objectionable, because it was dishonest, hypocritical, and would lead to interminable litigation and confusion. It had been said, that a great deal of perjury existed under the present system of registration in Ireland, but if that were so, why were not the parties prosecuted? But would the bill remedy either bribery or intimidation? Far from it. They charged the 10*l.* voter with perjury; but did they bring the same charge against the 50*l.* freeholder? No! They dealt differently with the rich and the poor man. The former was unmolested; but the poor man, in order to establish his claim, was to be dragged before a barrister, then before a judge, and at last to the notorious committees of that House. He spoke not of the present but the last Parliament. It was said, that this bill was the prototype of that of Sir Michael O'Loughlin, but he thought that no lawyer in that House would get up and hazard his character by venturing upon such an assertion. Why! Sir M. O'Loughlin had said, that those already in the registry should stand. His bill gave a jury for an appeal, and it moreover defined the beneficial interest, and did away with the trial before a committee of the House of Commons. He would not enter into the details of the bill; he objected to the notice required; he complained that the 10*l.* voter should have to fill eleven columns with the description of his claims; and he objected to the expense which this bill would impose. All parties were to have the power of summonsing witnesses, and the county was to pay the whole expense. The registry of England cost 22,00C*l.*, and he asked them whether they were prepared to impose upon Ireland that heavy burden with the additional tax of paying for all the witnesses? Was that justice? He was glad to see the hon. Member for Surrey in his place; that hon. Gentleman had been represented correctly as a perfect picture of John Bull. He had not only a plenitude of the *ore rotundo*, but a plenitude of another sort, and there was upon his face such signs of good nature and honesty that he would willingly leave his property or his character to the decision of a jury composed of twelve such men. Now he happened to be a voter for the county of Surrey, and when he had wanted to vote, he had merely filled up a small piece of paper with some half dozen words, sent it to the proper officer, and his name was placed on the registry. Now that was the case of an Irishman coming to England. How would he be treated in his own country? He offered himself as a 10*l.* claimant. He was examined; his title-deeds were ransacked, and his property, perhaps, lost by the discovery of the want of a stamp. Was that justice? He called for justice at the hands of the hon. Member for Surrey. Would he deny it? Out of the stand on Epsom race ground twelve votes had been manufactured, but in Ireland no two persons could vote as joint-tenant. He hoped those twelve voters were supporters of the hon. Member. [Mr. *Kemble:* It is not in my division of the country.] He was sorry for it; but he only complained of the arrogance of this proceeding, by which they disqualified a man in his own country, and only emancipated him when he left it. He almost began to doubt the truth of that eloquent panegyric which Mr. Curran pronounced upon the English laws, when he said, that no matter what tint an African sun had burnt on the countenance, the moment any one touched the British shores he stood disenthralled, unfettered, and emancipated, by the glorious genius of universal emancipation. The moment this bill was passed they declared war against the Irish people they were afraid to say so; it was unnecessary that they should say so in the plenitude of their power; but the people of Ireland were alarmed; they were indignant at this measure, they had expected from the noble Lord an exposition of the beneficial interest; and, if the bill had defined that, it would have been serviceable to Ireland. Did the noble Lord remember, that when he was in office, he had called a meeting of the Irish Members upon this very question of the beneficial interest? At that meeting the noble Lord had said, "It's settled; I don't want the oath of a solvent tenant that he would give 10*l.* to back the voter's claim." The noble Lord had said, that if the claimant proved a beneficial interest of 10*l.* he would not require a solvent tenant to say, that he would give

10*l.* more. Now would the noble Lord adhere to that? Yes! Why did not the noble Lord last night cheer the hon. Member for Coleraine, when he said that the decision of the judges requiring the additional 10*l.* was the law of the land? It was easy for the noble Lord to smile, but smiles were very bad arguments. [*Laughter.*] It was ridiculous to reply by the insanity of a laugh. They were not in the corporation of Dublin, and hon. Gentlemen were mistaken if they supposed that they could divert him from the discharge of his duty. He was not turning his back on his old friends; other men might abandon a corporation from which they had derived the greatest benefits; but, if his colours were good, he would stand to them to the last; and neither the noble Lord nor the right hon. Recorder of Dublin would be able to prevent him. They were now called upon, not to take part in advocating the repeal of the union. It was said that the question was dead. He thought not; and if he wanted an argument to advance that object he should first adopt the course pursued by the noble Lord, and introduce a bill for Ireland entirely different from that which applied to England; and the noble Lord appeared to feel that, for he had particularly dwelt on the circumstance that England and Ireland stood on the same base, that they formed one united empire; and he had called on English Member, not to consider that Ireland had any interests distinct from those of England. The noble Lord had on one occasion said, that "they were told that the circumstances of both countries were different," but he was sure that hon. Gentlemen would feel that the principle of reform was the same whether applied to England or Ireland. He entreated those who advocated Conservative interests, and were the supporters of the Protestant institutions of the country, to think of the danger to those interests which any other principle must involve. If they wanted to give to Ireland a solid, substantial grievance—if they wanted to give some handle to the excitement for the repeal of the union—they need only show that, in the British House of Commons, English interests were treated one way and Irish interests another. Was the noble Lord bound by these words? Well, he could not understand how the noble Lord could hold up this bill in one hand and that speech in the other, without acknowledging that one was a direct violation of the other. With what face could the noble Lord, after that, look Irish Members in the face? He had heard of persons wearing iron masks all their lives, but the noble Lord must live in a brazen one. He was warmly attached to the British connection; but, for his own part, he had rather abandon his country, part with his property, and go into some other land, than to live in Ireland united with England on any other footing than that of perfect equality. His countrymen were perfectly loyal; but if this course of injustice were adopted towards their country, they were prepared to imitate the example of their ancestors, and Ireland would be compelled to fall back upon her own resources. He called upon English gentlemen, therefore, to pause well before they passed a measure of this description, which would be so dangerous in its consequences, and which he trusted might not prove fatal.

Viscount *Powerscourt* rose without any intention of following the hon. Gentleman who had just sat down, through the whole of his speech—without any intention even of alluding to the moderation in which it was conceived—or the modest and quiet demeanour with which it was delivered. Indeed, those qualities were so usual to the hon. Member, that it was quite unnecessary for him to make any observation with regard to them. After the brilliant and conclusive speech of the noble Lord who closed the debate of last night, he felt great hesitation in intruding his opinions at all upon the House, for a more conclusive speech on any subject he had never heard in that House—but the hon. Member for Galway had last night put a question to Irish landlords whether they thought this measure calculated to increase the scarcity of property in Ireland, and to that question he wished to give as explicit an answer as the hon. Member could possibly require; and he said that, not only did the Irish landlords consider that this measure would increase the security of property, but that they ought to think so, because any measure, the object of which was to prevent fraud and perjury, must have a tendency to produce that effect. They were now able to see the real value of the cry of "Justice to Ireland," which had always been accompanied by protestations against any distinction between the laws of the two countries; and yet that cry was now raised when the question at issue was, whether they should assimilate the law of the two countries. They now saw the real object of that agitation, and the selfish nature of that boasted cry with which the hon. and learned Member for Dublin stunned the ears and deluded the understandings of the Irish. The opposition to going into committee on this bill was either factious, or it was an utter denial of the preamble of the bill. What was that preamble? It was briefly contained in three lines, giving nothing but the simple statement that it was expedient to amend the law touching the registration of voters. Now he had thought that no one could be found who would assert that no amendment was required. He had thought that the evils of the present system had been too much exposed for that to be possible; but it appeared that he was mistaken, for they not only had against them many of the Irish Members, but the Government had stepped forward as the champion of a system which had been productive of the greatest crime. In the county of Wicklow, in which he resided, he knew from a gentleman who was present at the time of the election, of a case in which perjury had been committed by three men. This gentleman knew the real voters perfectly well; they were tenants of his own, and he knew that they were at the time at Liverpool on business. The name of the gentleman was Sweeny; he did not know the voters' names. However, to the astonishment of that gentleman, three persons, entirely unknown to him, came in with the certificates, swore that they were the persons named therein, and voted. He understood that the gentleman came forward and offered to swear that the three men were not the persons whom they represented themselves to be; but his oath could not be taken, and the only redress was by a petition to the House of Commons. The way in which this system acted was therefore to hold out a premium to perjury. He held in his hand the particulars of forty-six cases, equally glaring, in that single election, in that single county. If the House wished to hear all the cases, there they were—if they pleased, he would read them all. Another great evil which this bill was calculated to remedy, was the great secrecy which prevailed in everything connected with the franchise. There was no power, except just after an election, and during the trial of a petition, of ascertaining what title any claimant had. There were many instances in which persons had been forced to vote by Liberal landlords, who were quite as ready to force their tenants to vote against their will as Conservative landlords, notwithstanding all that was said on the other side of the House against intimidation. Many voters had been anxious to be struck off the poll, but the system was such, that if they were known to have shown their leases, whereby their claim might be upset, the effect to them and their families would be the same as if they had originally voted against their landlord. It could not, under those circumstances, be called a serious hardship that the title should be set out on the registry. The chief evil of the present system, however, was the want of a power of appeal on one side, whilst it existed on the other. It seemed to him to be this commonest rule of justice, that, if the single claimant had a right of appeal, the great body of voters should also have the same right to prevent false votes being placed on the registry. What, then, had caused all the opposition to this bill? Was it that it was impolitic? Was it that it was unjust or oppressive? No. The proper inference was, that some hon. Gentlemen opposite held their seats in that House by no solid tenure. That was the motive of all this energy—that was the reason of all that personal hatred and abuse which the hon. and learned Member for Dublin had directed against the noble Lord. The opposition to the bill arose from its aim to prevent the fraudulent invasion of the law. It was opposed because its object was to protect the real voter, and deprive the fictitious voter of a franchise to which he had no title—and because its tendency was to deprive the hon. and learned Member of a great many seats in that House, and by that means to cripple his power. He should vote with sincere pleasure for this measure, because he considered it calculated to remove the grievous evils which were acknowledged to exist in the present system.

Mr. *C. Wood* said, it was with great regret, that after the best consideration which he had been able to give to this registration question, and after a careful consideration of all the arguments which had been urged against it both on this and on a former occasion, he found himself unable to come to the conclusion that the House ought not to go into committee upon the bill of the noble Lord the Member for North Lancashire. It was with great regret that he felt himself obliged to differ from the Government and from those with whom he had hitherto acted, in respect to the course which it was proposed to pursue in reference to this bill, and he sincerely trusted that that difference would be of no long duration. A great part of the arguments which had been urged against this bill was directed against the passing of the measure; and if the question which the right hon. Gentleman in the chair had to put was, that this bill do now pass, he should without the slightest hesitation give his vote against it. There were in this measure provisions of such a restrictive character that it was impossible for him to support them, and he would give his vote for the passing of no bill which imposed any sort of restrictions on the exercise of the legitimate franchise in Ireland. But the question upon which the House had to decide was not that the bill do pass; and they were only called upon to go into Committee and to consider the details of the measure. A great and acknowledged evil in regard to the franchise existed in Ireland, which no hon. Gentleman on either side of the House had attempted to deny. There existed in that country a very great number of votes totally fictitious, while there was at the same time a great deal of fraud, collusion, and perjury, the existence of which every one admitted, and which all professed an anxiety to remove. For remedying those evils bills on various former occasions had been introduced, both by private Members of that House and by Members of the Government; and it was only when the noble Lord the Member for North Lancashire had understood from the noble Lord the Secretary of Ireland, in the early part of the present Session, that the Government had no intention of bringing forward any measure upon the subject, that the noble Lord had asked for leave to introduce this bill. The House had consented to the introduction of the measure, and the principle upon which it was founded had been sanctioned by a considerable majority on the second reading; and yet they were now called upon to reverse the decision which they had then come to, and say that the bill was of such a nature as to be unfit to be considered in Committee. To such a conclusion he must say, that he for one could not come; and he thought, that having once sanctioned the principle of the bill, they were bound to adhere to their first decision, and to examine the details of the measure before rejecting what they had already approved. What were the main objections which were urged against the bill? The first objection was one the force of which he could not admit. It was said, that the bill did not contain any provision to determine the "beneficial interest" under the 10*l.* franchise. Now, ever since the passing of the Reform Bill he had concurred with the noble Lord, the Secretary for the Colonies, in opposing all alterations in the elective franchise, while, on the other hand, he had as uniformly voted in support of every measure for the amendment of the registration. He could not, therefore, see how it could be an objection to this bill, that it did not contain all that he wished for, when it carried out many of his views. The noble Lord, the Secretary for the Colonies, had in the present Session introduced two bills on this subject in relation to England—the one being for the amendment of the registration, and the other having reference to the franchise, which proved incontestably, that in the opinion of the noble Lord the two subjects ought not necessarily to be connected. If the noble Lord, the Secretary for the Colonies, introduced a bill for settling the question as to the "beneficial interest," he should vote in support of that bill, but it was no objection to this measure, that it did not contain provisions for deciding that much-disputed point. He was afraid, that while the law continued as it present stood, they must admit, that the decision of the majority of the Irish judges on the question of the "beneficial interest" was law as well as reason. It was his duty as a Member of a Committee of that House, to make himself acquainted with the different bearings of that question, and he had been obliged to come to the conclusion, that the decision of the judges was law and reason. But while he had come to that conclusion as to the opinion of the judges, he had also come to the decision, that that opinion was not in conformity with the intentions of the friends of the Reform Bill. The test of value, as it existed in the Roman Catholic bill, was clear and distinct. The rent specified was that which the solvent tenant could pay, and unless it was in some way intended to alter the franchise, he could see no reason for any alteration of the words. When the bill was before the House of Lords, it was proposed to change the words on which the Irish judges had pronounced, but that alteration was strongly resisted, as it was contended, that it would have the effect of narrowing the franchise. He was, however, ready to admit, that the words were loose, and that they opened a door to fraud, collusion, and perjury, but whether it were possible to insert words giving a definite and and determinate meaning to those words, on which so much difference of opinion existed, he was unable to say. If it were possible to do so, he should vote for taking such a course, but if it could not be done in the restricted state of the franchise, then he should be ready to vote for an equivalent extension of the franchise. He could not, however, admit, that the omission of a provision for the accomplishment of that object was an objection to the present bill. As to the question of registration, he should not trouble the House with any remarks on that part of the subject, but it appeared to him, after a careful examination of the bill of the noble Lord, the Member for North Lancashire, as compared with other bills which had been introduced into that House, as well by private Members as by Members of the Government, that many of the provisions of those bills, and this bill, were exactly similar as regarded registration. His noble Friend, the Secretary for the Colonies said, he was not bound by those bills, which he admitted. The provisions, however, of the bill of the noble Lord opposite with regard to registration, were similar to those of the other bills to which he had alluded, and which had been brought in, or supported, by the Government; and he must say, therefore, that the prejudice which it was attempted to excite against this bill was most unfair and unjust. If he were called on to believe that the destruction of the liberal franchise would be the consequence of the passing of this measure, then he must believe also that the hon. Member for Limerick and the hon. Member for Waterford had also introduced bills to destroy the constituency by which they were elected. If it was said that the bill of the noble Lord opposite would destroy the majority of liberal Irish Members, who supported the Government, then he must also believe that the law officers of the Crown had introduced bills to destroy the source of that power on which their continuance in office depended. He did not believe that such was the case, and he could not, therefore, conclude that this bill had been devised by the laborious astuteness of hon. Gentlemen opposite, for the purpose, as it was said, of repealing the Reform Act. That there were serious objections to this measure, he admitted, but it appeared to him that those objections might be obviated, by alterations to be made in committee. It was said, that it was necessary to go too far to give the notice that was required by the bill; but the noble Lord was willing to alter that part of the measure, and had consented that a power should be given for the place of appeal to be brought nearer to the voter. There was another objection to giving costs, but he could see no reason why such a provision should not be adopted. He did not see how costs on frivolous claims could be considered as penal. As to whether there ought to be an appeal to the judges in both ways, it was difficult for him to form an opinion; but, although such a provision was not contained in the last bill introduced by the Government, yet Mr. Woulfe, the then Attorney-general, stated that an appeal to the judge was, in his opinion, better than the plan which he had himself proposed. The next objection which was urged was with reference to the annual revision. For himself, he thought that the voter was entitled to protection against party and frivolous objections, for some time, at least, after he had proved his qualification; but if that protection was not provided in the bill as it stood, it would be easy to introduce it in committee. All those objections, therefore, were not more than those urged generally against bills introduced into that House, nor would their removal, or the introduction of the clauses which were suggested, effect greater changes in the measure than were effected in other bills. If, then, this bill was so consistent in all its great features with the bills which had been introduced by hon. Members on his own side of the House, and with the bills which his noble Friend, the Secretary for the Colonies, had brought forward for amending the

English registration, and if it was so easy to alter the details of the measure, he must say that he could not see any good ground for the opposition which had been offered to this stage of the bill. He would say again, therefore, that the arguments which had been urged against this measure were in favour of going into committee, and that the only real objection was to the passing of the bill as it stood at present. It might be said, that in the course he was now pursuing he was acting inconsistently, as he had voted against the second reading of the bill; but he had not, when he gave that vote, fully considered the subject, nor examined the proposals of the noble Lord opposite. When he came down to the House upon that occasion, he found his noble Friend, the Secretary for Ireland, opposing the measure; and he had so great a respect for the judgment of his noble Friend, and so high an opinion of his knowledge of the condition of Ireland, that, without inquiring fully into the subject, he had voted with the noble Lord against the second reading of the bill. Since that time, however, he had examined the provisions of the bill of the noble Lord opposite, and when he was now called upon to take the strong measure of reversing the decision which a majority of the House had come to on a late occasion, he felt that it behoved every Member to consider maturely the grounds upon which he was to give his vote. He had given that question all the consideration in his power, and the result of his investigation had left him in no doubt as to the course which it was his duty to pursue. He thought it was extremely unwise to seek to reverse a decision of that House so lately after it had been come to, and he was of opinion that a very much stronger case ought to be made out than had yet been made out to justify them in refusing to go into committee upon a bill, the principle of which a majority had approved. Such a refusal tended to lower the character of the House, and to weaken the confidence of the people in their deliberations, as it partook more of the spirit of party warfare than of the calmness which ought to distinguish the Legislature. But in voting for going into committee upon the bill, he wished it to be distinctly understood that he should go into that committee perfectly uncommitted as to the votes which he might feel called upon to give upon the different clauses of the measure. He must further say, that he should go into committee with the determination to vote against every provision of the measure which went to restrict or fetter the franchise in Ireland. His principles led him to extend rather than to restrict the franchise, and though he would not seek to disturb the settlement effected by the Reform Bill, yet he would ever be ready to give its provisions the most liberal construction. Actuated by such sentiments, he felt assured that a large majority of that House would support the noble Lord, the Secretary for the Colonies, in effecting in committee such alterations in the bill as the noble Lord might consider necessary for carrying out his views in reference to this subject—views which he, for one, most cordially approved of. But, supposing that the bill came out of committee, still they had the power to reject it, if it was found unsatisfactory, upon the third reading; and if it arrived at that stage, and if it then contained anything restricting the elective franchise, he should certainly vote against its further progress. He was ready to pay attention to the wishes of the Irish people and of the Irish Members upon a question of this kind, for he admitted that the English Members owed a deep debt of gratitude to the Irish Members for the support they had given to a liberal Government and to a liberal course of policy. He had never been backward in consulting the wishes of hon. Gentlemen from Ireland, and he would not be found backward on this occasion, when they arrived at the proper stage of the measure. He should vote for going into committee, but he must have more confidence in his own judgment than he had at present, before he could consent to force upon the people of Ireland a measure of which they so strongly disapproved.

Mr. *M. J. O'Connell* would offer very few observations at that period of the evening, although, if he had had an earlier opportunity of addressing them, he might have been disposed to trespass at some length upon their attention. He had listened with great regret to the speech which had just been delivered by the hon. Gentleman the Member for Halifax. Let hon. Gentlemen opposite suppose this bill, and the case of the Irish Members to be their own. Let them go through the ordeals which were proposed by this measure—through these intricacies which all the acquirements of a special pleader would be required to thread, in order to enable them to escape without the commission of errors. If they were then without the slightest real ground of objection called upon to attend before the revising barrister, there to produce their title deeds, and submit them to the court, and perhaps to the agent of the opposite party, to be cross-questioned, obliged to wait while a host of adverse witnesses were examined, after all this loss of time and annoyance, to be summoned at the Spring Assizes, at the distance of thirty, forty, or fifty miles again to support their claim, he asked whether they would submit to it? If the people of Halifax were to be subjected to inconveniences such as these, he asked whether the hon. Member would be prepared to deal with the measure with so much courtesy as he had shown to-night, and he begged to express his doubt whether any Englishman would permit such a bill to pass, and his belief that they would at once call upon the House to reject it. Would the constituencies of hon. Gentlemen submit to it? He believed that they would not, and that the ground suggested of the House having previously decided upon the question by a triumphant majority of sixteen, would not any more induce them to listen to such a proposal as was made. The hon. Gentleman had spoken of the costs that were intended to be imposed on the parties as a mere trifle. At any rate, it was adopting a new principle, and would have the effect of limiting the franchise; and to what part of the empire was it that they were about first to supply it? To that portion of it in which the franchise was already miserably limited. When he saw how slow the process of extending the franchise had proceeded, he confessed he had no great faith in the opposite party coming forward on this occasion, and applying their measure of disfranchisement first to Ireland. As they had first conferred their benefits on other parts of the empire, he would entreat them to try their disfranchisement scheme on those other parts of the country, and wait and see how it would work in England and in Scotland, before they applied it to Ireland. The noble Viscount (the Member for Bath) had brought forward the old hacknied and worn-out charge of Reform Bill being a delusion practised upon the public; but he would ask, was there ever such a delusion as that attempted to be practised, when hon. Members talked of this bill being an assimilation to the English system? It was an assimilation of every thing that tended to impede the exercise of the franchise, and get the voters entirely removed from the poll; beyond that, all the difficulties of the old system were left untouched, if not made worse. Why did they not propose to adopt this measure in both countries, and make the benefit of it common to both? No English Member cheered him when asking this question. No, they durst not extend such a bill as this to England, and they knew it. Would any English Member get up in his place, and declare that such a bill could be extended to England? And yet they who were prepared to deal with Ireland in this manner, and proposed to inflict upon that country a measure which they would not dare to propose for England, talked of the cry of the repeal of the union as being a delusion, and called out against those who wished to see the domestic parliamen of Ireland restored. But the noble Lord, the framer of this measure, ought not at least to join in this cry. That noble Lord went to Ireland in 1830, when the feeling on the subject of the repeal was very small. He governed Ireland from the winter of 1830, to the beginning of 1833, and by that time the repeal agitation had risen to a height which required (according to the opinion of the noble Lord himself) a coercion bill. The noble Lord might be sure of this, that if he succeeded at present, no matter by what cause, whether by the apathy of hon. Members, or by misrepresentations put forward to the public, he would give a strength and an energy to the feeling for a repeal of the union which no other circumstance could effect. Last night the hon. and learned Member for the University of Dublin (Dr. Lefroy), spoke with great force of the vicious practice of creating fictitious votes, and of the system of personation in Ireland. Not one instance of personation was proved before the committee. A system of intimidation was, however, most unquestionably established. He would refer to the evidence of Mr. Thomas Courtney, the agent of Mr. Anthony Lefroy, in proof of this. The hon. Gentleman then read an extract from the evidence, showing that a covenant was inserted in the leases granted by Mr. Anthony Lefroy, empowering the landlord to turn the tenant out of possession, without the usual notice, and that this covenant had been actually enforced against certain tenants who had voted in opposition to their landlord's wishes. Question 12,903 was put by Dr. Lefroy in committee to Mr. Courtney —"All these covenants are introduced as a protection to the tenants, that they might have an excuse to those who pressed them to act against the wishes of their landlords and their own wishes." This was the Gentleman who came forward and complained of the popular party crowding the poll-book with fictitious voters. This was your over-righteous man, who turned up his eyes with holy horror at the base practices of popery, perjury, and priestcraft. When the hon. Baronet, the Member for Caithness, made his next prepared impromptu at the table—when he next delivered it, with his eyes fixed upon his hat, in a manner which drew every eye in the house to it—and if he might usurp the hon. Baronet's privilege of parodying the poets, he would say—

> "And still they gazed, and still the wonder grew
> That one small *hat* should carry all he knew."

And when he talked of the perjured and suborned voters of Ireland, he hoped the hon. Baronet would not direct his regards altogether to those who sat on the Ministerial side of the House. Was it fair that those who could have recourse to such practices as these, should be allowed to have the entire control of the franchise of the country, which this measure was calculated to give them? It was a measure evidently intended to limit and narrow the franchise. Had the House forgotten the boast of the Secretary of the Conservative Society for the county of Cork—who bore the appropriate name of Nettles—for he bore the scorpion sting in that county? That Gentleman boasted, that the only chance of success of the Tories in that populous county was, by the landlords preventing their tenants from registering their votes. Were persons thus banded together against the popular franchise fit to be intrusted with a revision of the votes four times a year. He called upon the English Members to deal with this question as they would deal with it if it applied to themselves. If they did, it would tend to restore and maintain a good feeling in Ireland towards this country; but if they did not, it would create discontent and disaffection among the people of Ireland, the misfortune of which the Irish nation would have to suffer, but the guilt and crime of which would lie exclusively at their own door.

Colonel *Conolly* said, this was not the first time he had had occasion to explain to English Members the cause of the misunderstanding which existed between Irish landlords and their tenants, and with which Irish Members had been so frequently taunted. He had stated over and over again in the presence of the hon. and learned Member for Dublin, that the intervention of agitators between the landlord and his tenants obliged the former to exercise his right to prevent his tenants from being subjected to that tyranny and intimidation by which they had been so frequently overborne. Of all the measures he had ever heard discussed before that House, it had never been his fate to hear one so grossly misrepresented as the present. There had been not only gross misrepresentations in that House, both of the motives of the Mover, and the intention and final operation of the bill, but this gross and shameless delusion had been presented to the people of Ireland—namely, that the bill was a measure of disfranchisement, when its very object was to support the legitimate voter in his rights, and to carry out the law as pronounced by ten out of twelve of the Irish judges. On the part of the illegitimate freeholders of Ireland, he (Colonel Conolly) condemned the principle upon which hon. Members opposite would extend the franchise by corrupt means. As well might it be said, that a limited circulation of money could be extended by an unlimited issue of base coin. The House was already well aware of the scandalous and increasing immorality and frauds which were committed in the Irish registration courts. England and Scotland had both had their registration bills since the passing of the Reform Act, and he called for the same "justice to Ireland." This bill would annihilate the corrupt voter in Ireland; the annual registration was the practice in England, and in Ireland would not be an annoyance to men who had honest votes, those only would tremble who stood on fictitious grounds. For two Parliaments a Member had been by fictitious votes forced upon the county of Kildare, who was unknown, and without property in the county. He had told Mr. Ruthven in that House that he represented neither the wealth nor the intelligence of the county, and when he went back to Ireland he had been thanked for having said so. The hon. and learned Member for Dublin had called for more Members for Ireland. Did the hon. and learned Gentleman mean to import into Ireland more candidates from England if his call was satisfied? Was it the intention of the Reform Act, that persons who had never set a foot in the country should, by loud railings against tyrant and Tory landords, and by means of fictitious votes, be returned? Was it intended that Ireland should be represented by her resident gentry, or by strangers? Look at the state of the registry under the existing system. In the county next adjoining that he had the honour to represent, the tenants of the noble Lord, the Secretary for Foreign Affairs, who held leases for the life of the Duke of Clarence, actually voted on that qualification at the election consequent upon the death of the late King. Let not the House be deceived, the voice of Ireland was not raised in hostility to the measure. He had presented a petition from every considerable town in the county he represented, in favour of it, his hon. Colleague had presented others, and these parties had so expressed their opinions without being called on by any sort of excitement, or led by any sort of representation, and without a cry of "injured Ireland," because they knew, that the existing state of things was a great evil, that it confounded right and wrong, property and fraud.

Mr. *Pigot* said, that if any doubt existed before the speech of the hon. and gallant Member who last spoke as to what was the real object of this bill, he had read to the House a moral lesson calculated to remove all doubt from the minds of the most sceptical. In complete accordance, he feared he must be compelled to say, with what fell from the noble Lord, the author of the bill, on the second reading, it did appear to be the design, if not of its framers, at least of those who supported it, that it should be made the instrument of accomplishing those purposes to which the hon. and gallant Member had referred. He was not surprised—no one could now be surprised that a feeling and sense of hostility had been manifested and expressed from Ireland to the extent even of that acknowledged by the hon. Gentleman who spoke from the floor (Mr. C. Wood). He thought that that might have intimated to the hon. Gentleman some reason why even they who had not opposed the second reading of the bill, might now, on consideration, oppose it in the present stage. He objected to the bill because the vital principle of it was that very provision which the hon. Member for Halifax (Mr. C. Wood) said was one of those provisions to which he never should consent. That provision of the bill which had been shown by the noble Lord himself to be its vital principle, and which was put forward as the principle of the bill, was that which went under the name of annual revision, but which in tuth—for the word was equivocal—was re-investigation. Investigation again and again of the same matter of fact which had been proved before, not merely an inferior tribunal, but before the same tribunal, proved again before another tribunal, and again before the same tribunal, and then turn round again and again upon the claimant, until it became absolutely impossible, against these repeated worryings, that he could retain the franchise, no matter what were his merits. That was the vice of the measure which induced him to oppose its second reading, and that was its vice which justified the conviction that such a measure was absolutely detrimental to those liberties which were based upon a popular franchise, and which must justify every man in taking every possible means which a fair and rightly-conducted opposition could enable him to adopt to prevent the bill from passing into a law. The words annual revision of votes had been bandied about from one side to the other, as if the term denoted a sense to which various persons affixed the most opposite meanings. The noble Lord said the bill of Mr. O'Loughlen provided an annual revision, and so did this; that Mr. O'Loughlen's bill provided a double appeal, and so did this. But the noble Lord applied the same phrase with a perfectly distinct meaning. Nothing was more plain than the language of revision of lists used by the bill intended to be introduced by the noble Lord, the Secretary for the Colonies. It was a revision required from circumstances that had occurred since the last registration. He admitted the defects of the present registration in Ireland. The noble Lord (Lord Stanley) had dwelt much upon the subject of the certificates. He was prepared to become a party to introduce a measure which should remove altogether every objection respecting certificates. At the time of the Reform Bill, the certificate was supposed to be a means by which to indentify the party who was registered, so as to prevent personation at the time of polling. He was, however, ready to admit that abuses existed in that respect, and that it became necessary to revise this part of the law. Again it was said, there was a multiplicity of names that were fictitious on the registry. His noble Friend had announced it to be the intention of the Government to submit a measure to Parliament to correct this evil, which would, in fact, form a general scheme applicable to both England and Ireland. It was right the whole scheme should be laid before Parliament at one and the same time, and he, as one of the officers of the Government, had no hesitation to pledge himself that a measure should be introduced to remove the defects existing in present system. What was the real object of the remedy applied in the measure of the noble Lord opposite? Not revision for the purpose of striking off the names of those who had lost their qualification —not for the purpose of preventing a multiplication of names upon the registry, but to re-investigate with the sole object of bringing the voter over and over again before the tribunals for the purpose of compelling him over and over again to prove the facts which had already been decided on. Who would hold property if the condition annexed to it was that of having, year after year, to subject his title to it to inquiry, and year after year to repeat the same proofs of his right, and to be taken from one court to another, and then back to the court where his claim had been originally decided upon? This was not a provision for the protection of the voter, and therefore it was that he would oppose it. The principle of re-investigation before another tribunal was one wholly foreign to the practice of our courts of law. In the Court of Chancery, in the Court of Queen's Bench, in cases of appeal to the highest legal tribunal in the country, it was distinctly understood as a principle, that the appeal case must be decided upon the evidence adduced in the inferior court, and that no new evidence should be admitted. The object of such a provision evidently was to prevent fraud and perjury. Yet the noble Lord called upon the House to sanction precisely the opposite principle in a bill which professed to have for its object the prevention of fraud and perjury. He begged to call the attention of the noble Lord to what had taken place in the committee appointed to inquire into the manufacture of fictitious votes in Scotland, of which committee the noble Lord was a member. The report of the committee distinctly adverted to, and deprecated, the evils arising in that country out of the practice of allowing fresh testimony to be given when the re-investigation of a claim to vote was carried from one tribunal to another. The noble Lord, however called upon them in the present bill to adopt precisely the same principle which, in the other case, the committee of which he was a member had condemned. He opposed this bill, because he was prepared to support the bill about to be brought in by his noble Friend; and he would support that bill for the very reason that it went upon the same principle as that laid down in the report of the committee on fictitious votes in Scotland. There was one point which he could not sit down without adverting to, namely, the objection as to the appeal that this bill gave to the judge at assize. He must say that he thought that objection had been somewhat exemplified in the course of the present debate. The opponents of this bill said that, by giving this appeal, mistrust and want of confidence would be raised in the administration of justice, and that the judges would be subject to obloquy and misrepresentation on the part of those who would be apt to forget the dignity of the station which they occupied as administrators of the law. The hon. and learned Member for Coleraine had referred to a difference of opinion on the part of Baron Richards and another judge against the remaining ten, but he must say he regretted that the hon. and learned Member should, in the exuberance of his zeal in support of this measure, have so far forgotten himself as not to forbear from making observations on the opinions of individual judges. He should not there enter into the defence of Baron Richards, whose character stood too high to need vindication, but he could not help observing that, if in the course of a debate in the House of Commons itself, the hon. Member could find it impossible to refrain from making observations challenging those judges who differed from him with party bias, what must be the result, what must be the imputation which would be thrown out in a country like Ireland, if they made every circuit town to which the judges came, a court of political litigation, over which the judges were to preside? This provision had been attempted to be justified by the provisions of the bill introduced by the right hon. Baronet opposite, when Catholic emancipation was carried, but there was a wide difference between the two provisions; the latter was for the protection of the franchise, and not as in the present case, for its investigation. The right hon. Baronet thought that some persons might object that to give the final decision in the franchise to assistant-barristers nominated by the Crown, would be to give the Crown too great a dominion over the franchise; and therefore, he gave the voter the protection, of an appeal to the judges on matters of law, and to a jury on matters of fact. This was an appeal which did not cause those evil consequences which would flow from the appeal proposed in the bill of the noble Lord. Up to 1830, the entire number of appeals under the bill of the right hon. Baronet, amounted only to 700, of which above 200 were successful; whereas, if the bill of the noble Lord were carried, there would be hundreds and thousands of appeals yearly until the franchise was altogether extinguished. On these grounds then, objecting to that which was the essential principle of the present bill, repeated and endless investigation of the right of the voter—objecting also to the details of the bill, and believing it impossible so to modify it in committee as to divest it of those objectionable principles—he felt himself compelled to support the motion of the hon. Baronet to commit the bill that day six months.

Viscount *Howick* could assure the House that it was with great reluctance that he trespassed upon their attention at all after the protracted debate which had taken place on the subject. But it was so painful to him to vote against those with whom he had usually the pleasure of acting in that House, that he felt it was impossible for him to give that vote without explaining the grounds on which he voted, more especially after the speech lately delivered by the hon. and gallant Colonel opposite (Colonel Conolly). It was absolutely necessary, as he found himself compelled to vote in the same division with that hon. and gallant Member, to explain that he did so with totally different objects and views, and guided by totally different feelings. He had ventured last night to express to the House his opinion that the question it had now to decide was not precisely that which they had to determine on the second reading. He did admit, even as far as regarded the second reading of the bill, that he gave his vote with great reluctance against the progress of the measure; but concurring with his noble Friend, the Secretary for the Colonies, in thinking that in its present shape it ought not to pass, and being desirous to support the Government of which his noble Friend was the organ, and more especially on questions relating to Irish policy, on which questions, so long as his noble Friend, the Member for Yorkshire, and his noble Friend Lord Ebrington, were at the head, he must continue to place great confidence in Government, and being, therefore, extremely anxious to mark his confidence with Government, he did vote against the second reading, believing that he did not go beyond that fair sacrifice of individual opinion which every Gentleman in that House, acting with others, for a great and common object must occasionally make. He voted then against the second reading, though he did at the time strongly entertain an opinion which he stated to many Gentlemen, amongst others to some of the Members of the Government, that it was the most highly imprudent course which the Government could have adopted, and that the bill was one which ought to have been allowed to proceed into committee, and be there discussed; and that only in the event of its being found impracticable to amend it, then ought it to be finally rejected. But how stood the question now? They were now called upon not only to prevent this bill going into committee, but to reverse a contrary decision to which the House had come. In his opinion it was always extremely inconvenient that the House should be compelled to reverse a vote to which it had shortly before come. Cases, he knew, did sometimes arise, in which such a course might properly be adopted. For instance, if a vote were come to in a very thin House, which might lead to considerable inconvenience, and to which the majority of Members, when it was more fully known might object—and sometimes, also (as in the instance of the malt tax), when a vote was come to, even in a full House, the effect of which might not be fully known, it might be justifiable to reverse that vote, if good reason were shown for setting it aside. But neither of these reasons applied to the present case. It could not be said that the vote for the second reading was taken in a thin House, nor that the matter was not fully discussed. The House came to the decision after two nights of protracted debate, during which every possible objection was urged to the bill. But, in his opinion, even if the House had been surprised into its former decision, that decision ought not to be afterwards set aside, unless a revisal were the only means of avoiding great and serious evil; because it was impossible that the House should on one day renounce a vote to which it had come only a few days before without suffering somewhat in the public estimation. And such a proceeding was equivalent to a public confession of want of consideration in the performance of their duties in the first instance, or else of fickleness and want of firmness in their determinations, either of of which confessions was calculated to lower and degrade that House in the eyes of the country. At no time, but more especially in the times in which they lived, could that House afford to take any course by which their hold on public opinion should be weakened, and the confidence and respect which ought to attend them, as representing the wisdom of the country, should be lowered. If, then, he were right in contending that the House should only reverse a decision which had been lately adopted on the ground of very great and serious evil which would arise from taking any other course, let him ask, in applying that consideration to the present measure, what amount of public inconvenience would arise from this bill going into committee? What answer had been made to the argument of his hon. Friend who sat near him (Mr. C. Wood), that the objections which had been urged to the bill were objections not of principle but of detail. After that speech, so lately made, he had listened with the greatest anxiety to the speech of the right hon. and learned Solicitor-general for Ireland, to' ascertain how it was that he intended to support the opposition to the bill going into committee on the ground that the objections were objections of principle. Did the right hon. and learned Gentleman say that the present state of representation in Ireland was satisfactory—did he deny that there were great and crying evils in it which urgently demanded reform? Far from it —for he said that he himself was prepared to undertake the task of reform. But he could not forget what had been said last night, that the right hon. and learned Gentleman had somewhat of the latest undertaken that task. Neither did he put any great confidence that a bill brought on at this period of the session—and which, if he rightly understood the right hon. and learned Member, was not yet in existence, but in framing the provisions of which he was now occupied, he said he could not, looking at the period of the session and the state of parties in both Houses, feel great confidence that such a bill would become law. What next, said the right hon. and learned Gentleman? He objected to this bill because its principle was that of annual revision, and yet the right hon. and learned Gentleman immediately afterwards entered into an argument, with every word of which he agreed, to show that his objection was not to annual revision, but annual re-investigation, and to point out the difference between them, that annual revision was for the redress of the voters, whilst annual re-investigation would be a monstrous and crying evil. But would the right hon. and learned Gentleman tell him that annual registration was the principle of this bill? Undoubtedly not. As undoubtedly the clause, as it at at present stood, provided for annual re investigation. But it would not require the adroitness and learning even of the right hon. and learned Gentleman to draw up an amend: ment of three lines, which would put that matter right in committee. He himself did not profess to be a lawyer, or claim any professional skill, but even without that assistance, he thought he could draw up an amendment which should obviate that objection in not many more lines, and which would bring the bill in strict accordance with the principle which his noble Friend, the Secretary for the Colonies was prepared to lay down. So little was it the principle of this bill that there should be an annual re-investigation, that his noble Friend opposite, when he introduced it, said that he had himself for some time deliberated on the question whether it should be revision or re-investigation, and had ultimately decided in favour of re-investigation. But, though this was the decision of his noble Friend, the decision of the committee rested on the House; and he begged to remind the hon. Baronet the Member for Drogheda, who moved last night that this bill should be committed that day six months—and he was bound to say in a speech distinguished by great ability and excellent temper and discretion—that he had mentioned this remarkable fact, that the Tory party in Drogheda itself supported this bill, under the mistaken impression that a vote once registered would not be liable to further investigation, except for objections which had arisen since the registry. The hon. Baronet mentioned this to show that the Tories themselves supported this bill under a misapprehension of its object; but did not that fact also show that amongst the Tory party there were many like himself who would be strongly disposed, when they went into committee, to support the revision instead of re-investigation, and he did believe, that when this point was urged fairly before the House in committee, that the hon. Baronet would find many hon. Gentlemen on the other side of the House who would agree with him in that view of the case, viz., that when once a man's vote should have been fairly scrutinised, it should not be liable to a second scrutiny, except on the ground of some objection that had arisen since the former investigation. Such a provision would meet all the evils which had been relied on by his noble Friend opposite as the basis of this bill, and such an amendment, which there was every reason to believe would be supported on the other side of the House, would remove by far the greatest and most serious objection to the passing of this measure. It was hardly necessary for him to consume time in proving to the House, that there was a degree of severity in scrutinising which would be really intolerable if it were to be annual. Such a severe scrutiny annually repeated, the distance the voter might annually have to go, the consumption of his time, the expense and trouble to which it would put him, would render it too intolerable for the great bulk of the voters to submit to, whereas, if the investigation were final, those who claimed to vote would be more willing to submit to it, and he could not help saying, that he could not feel any great respect for those voters who valued the franchise so little, that on one occasion, to establish their votes in the first instance, they were not prepared to undergo some considerable degree of trouble and sacrifice of time. This amendment, then, would go far to obviate objections to the bill. There were, however, other clauses referred to, and other objections started, but which also were entirely objections of detail. Some objections had been made to the appeal to the judges. He thought there was a great deal to be said on both sides of that question, but still it was perfectly open to the House to consider this question in committee, and to strike out the clause which gave an appeal to the judges, and to substitute, by way of amendment, an appeal to any better tribunal that could be devised. But, as one of those who had the misfortune to have been upon an Irish election committee, he did consider it of the greatest importance, and that justice to Ireland imperatively required, that in Ireland there should be some effective Court of Appeal, to prevent all those difficulties. As the law now stood, Gentlemen on Irish election committees were placed in this painful position, that if they voted against opening the registry, they did indirectly give a sanction to frauds and other crying abuses, whereas if the opened the registry they practically placed the representation at the mercy of the longest purse. That was an evil which still existed, and which those who had sat on Irish committees felt very deeply, and this was an evil which would be corrected by the bill proposed by his noble Friend opposite. The whole of this subject had been so largely debated, that he should not enter further into the details of the measure, but would only observe, that as to the two provisions of the bill, to which he had adverted, and on which the Solicitor-general for Ireland mainly rested his opposition to its going into committee, he trusted he had succeeded in showing the House, that the objections made were objections, not of principle, but of detail, and might easily be remedied in a future stage of its procedure. There was one other circumstance connected with this debate on which he must take the liberty of making one observation. He trusted it could not be intended by hon. Gentlemen who sat on his side of the House, but undoubtedly language had been used both that night and on the former debate which might be construed as bearing a meaning, that this bill ought not to be supported on the ground, that if a real, impartial, and searching tribunal were established under the existing law it would lead to a narrowing of the franchise, and a great diminution in the number of voters in Ireland. He did not believe, that such was the intention of hon. Gentlemen on that side of the House, and yet if not, he scarcely, with respect to some of them, could understand the meaning of those long arguments and statements which had been made as to the comparative smallness of the number of voters in the Irish towns and counties as regarded population, compared with the number of voters in the towns and counties of England. It had been said, that the county of Cork, which was but little inferior to Yorkshire in point of population, had an infinitely smaller number of voters. Why, undoubtedly, that was so, but he need not point out the obvious answer, that Ireland was in a very different state of civilisation also as compared to England, and that whilst the franchise depended on a property qualification, and it was not (owing unhappily to former misgovernment) to be expected, that the county of Cork, however populous, should possess an equal number of voters with one of the wealthiest and most industrious county in England. He was not going to remark on that obvious fallacy, but to observe, that the statements and arguments to which he referred seemed to imply the conviction, on the part of those who made them, that it was a justifiable ground of rejecting this measure, that the establishment of a really searching tribunal, and the impartial administration of the existing law, would diminish the existing number of individuals voting in Ireland. Now there was no man who would regret more deeply than himself doing anything which could have the effect of diminishing the number of voters in Ireland. He might appeal to his past conduct in and out of office to prove that he had not been opposed to the people of Ireland. That opinion with regard to the Irish Church which he had held while he sat on the Ministerial bench, and the statement of which had given dissatisfaction to several noble and right hon. Friends of his, that opinion regarding the great question on which all other Irish questions did in fact turn he still held, to that opinion he should ever adhere, and ever be ready to maintain it on all proper occasions. With respect to the Irish Reform Act, if any mistake or misapprehension had arisen respecting the real meaning of the phrase "leasehold tenure," that, he said, ought to be explained, and all doubt cleared up by a legislative measure. Ireland ought to have the benefit of that. Surely, when the effect of the present system of registration was to afford facilities to perjury and fraud, the House was bound to adopt some measure by which that system might be amended. Thinking thus, he could not consent to risk the success of the future battles of Ireland by fighting her battles on ground which is untenable. The passing convenience of the hour might dictate to preserve an imperfect tribunal in order to keep the elective franchise in the hands of those who at present held it. Inconvenience no doubt there might be in the contrary course, the cause of the people might for a time be borne down, but, notwithstanding, he said, let the friends of the people do that which was consistent with truth and justice, and which was eligible in itself, and then let them fight the battle on the ground of having given the people of Ireland such a franchise as it was fair for them to possess; let them fight the battle on this fair and manly ground, and though at first they might be defeated, sure he was, that the hour of success would arrive. It was this conviction that the present system tended to demoralise the people of Ireland, and to perpetuate fraud and perjury, for which he could not blame them so much as those who allowed the system to continue, that induced him not to concur in the amendment, but to allow this bill to be fully and fairly discussed in committee.

Mr. *Gisborne* had not intended to have troubled the House, but he had been called on by some hon. Members near him to give his opinion as an Irish representative. He trusted, however, that the House would allow him to state why he intended to vote against the committee. It was nothing to him that the bill corrected many things which existed in the present system of representation, or which might be found in measures that had been before brought in, he voted against the bill because it did not, in his opinion, afford a proper remedy for whatever evils might exist. He thought that the machinery of registration should become familiar to the people, and to make it so was certainly not the object of the present bill. The noble Lord had said that, until lately, there had been no objection to the English system of annual revision, but he would remind the noble Lord, that he had strongly objected to it at the commencement of the present Session. A great stress had been laid on the opinion of the judges on the franchise. Now, he must say, with all his respect for those learned personages, that he thought nothing was more absurd then to place confidence in their opinions on political subjects. He certainly should not, if he were a poor Irish voter, be willing to have his claim referred to the judges. He would not further detain the House, except by observing, that he thought that, as it was proposed to amend the registration in England and Scotland, it would be much more reasonable to wait for those measures than to step over to the noble Lord, and help him to try his first experiment on Ireland.

The *Solicitor-General* said, that with unfeigned respect for the talents of the noble Lord (Viscount Howick) he felt obliged to pursue a course totally different from that which the noble Lord had adopted for the reason which he had urged. He wished the character of the House of Commons to stand as high as the noble Lord could wish it, and he was anxious to maintain it; but he thought it would be best maintained by not going into committee on this bill. The noble Lord had adverted to some of the clauses of the bill; he would take those clauses also, as a sample of the measure, the principle of which might well be gathered from them, because every clause of the bill was consistent with the principle of it, and that was to offer opposition to the acquirement of the electoral franchise. Every clause was directed to that object, and had a direct tendency to curtail the Franchise. Now, let the House consider; all the country had been hitherto waiting to see what measures would be devised to carry the Reform Act into full effect; they were now, however, asked to go into committee to see how far the Reform Act could be crippled. This was his opinion of the bill, and he would say, that when the bill came to be fully understood in the country, and the clauses should have been longer before the country, the greatest regret would be felt that the House should show such a disposition to tamper with the Reform Act as to go into committee on this bill. If he was correct in the opinion that the whole bill was calculated to impede the attainments of the electoral franchise, what would be the effect of going into committee? Why, they would have to do, not what was the proper business of the committee, to deliberate on the details, the principle being already agreed upon, but they would have to engage in a conflict in every clause as to whether it should be framed so as to discourage the attainment of the electoral franchise, or so as to conform to what hon. Gentlemen on the Ministerial side of the House wished. It had been said, that the objections went all to the details of this bill, and not to the principle. Now he knew not how he was to find the principle of a bill, except from looking into the bill, and from the general scope and tendency of the clauses to infer the principle of it, and having done so in the present case he was prepared to say that no man who did not mean to cripple the Reform Act, ought to go into committee on the bill. He had heard it said, that until now nothing had been stated in the way of complaint against the registration system in England. He was astonished to hear this, because he had heard nothing but complaints against the vexations of the registry. The country had been expecting measures from her Majesty's Ministers, to remedy the inconveniencies of the registry; and except for hon. Gentlemen opposite, the country would long since have had them. In 1835 a bill on the subject had been passed through that House, and sent up to the House of Lords, where it had been rejected with very little ceremony. For his part, he thought that the system of registration of Ireland was better and more convenient than that of England, and it would have been adopted here, most probably, if the machinery had existed. He reminded the House, that when a bill was sent up by it to the House of Lords 1835 to amend the present system of registration, it was met by a statement of the excellence of the present system; but now a bill was brought in by the same parties who opposed the former attempt to amend the registration and was defended on the opposite ground that the system was most defective. He was convinced that nothing had prevented a bill being prepared on this subject by her Majesty's Government, except the conviction that every bill on the subject which did not impair the Reform Bill would be rejected, as a matter of course, by the House of Lords. He feared that even at present the noble Lord's bill would have only one recommendation to their Lordships, and that would be, its direct tendency to accomplish that object. He, therefore, said, that they might go into the Committee, and in the Committee might make alterations in the bill, but the effect of them would be, that unless they completely altered the principle of the bill, which could only be done by altering its clauses altogether, the bill could not be made a good bill, and it was to him perfectly clear, that if the bill was made a good bill, it would never meet with the concurrence of the House of Lords. If, then, they should determine to go into committee, they would have to sustain a perpetual conflict upon this point—namely, whether they would impair the Reform Bill, while pretending to do nothing more than amend the system of registration. No one on the Opposition benches had yet had courage to propose to repeal the Reform Bill. But it was clear to him that nearly every Member of the serried phalanx opposed to him was prepared to destroy its efficiency by attempts to amend it. What the country really apprehended at this moment was, that the party which had lost power through the Reform Bill, and which therefore hated the Reform Bill as the instrument by which their expulsion from power was effected, should succeed in impairing its efficiency by a series of hypocritical attempts to amend it. The noble Lord, the Secretary for the Colonies, had said, and had said very truly, that this was the first retrograde motion. He believed that it was as decided an attempt to impair the Reform Bill as any which either had been or could be presented to Parliament. He asked the House whether there were not at present complaints enough of the difficulty of establishing the right of voting, and yet this measure appeared to be framed for the purpose of increasing that difficulty. He repeated the question which had been already asked in the course of this debate, whether any man on the benches opposite would have the hardihood to propose the adoption in England of such a system of registration as was now proposed for Ireland? Would not any Member who even ventured to support such a proposal, have, letter after letter, the next morning, from his constituents, expressing astonishment at such conduct? The system of registration adopted in England was a novel system, of which it was impossible, *à priori*, to foresee the working. It appeared as if the noble Lord had waited until he had ascertained the failure of the experiment in England, and had then determined to apply it to Ireland, and to apply it with great aggravation. But it had been said, that the noble Lord's bill was necessary to assimilate the systems of registration in England and in Ireland. Now, the noble Lord's bill did not assimilate them; it gave to Ireland the most defective parts of the English system, and nothing more. The hon. and learned Gentleman then proceeded to point out various defects in the details of the bill, and particularly complained of the enormous expenses to which claimants of the franchise would be exposed in consequence of the revising barristers having only the power to remove their courts from time to time, and not from place to place. [Lord *Stanley* read the 17th clause of the bill.] He admitted upon that point he was in error. Nevertheless, the expense which would be thrown by this bill upon the poor and independent voter in substantiating his vote before the different tribunals which it created, would be greater not merely than the worth of his vote, but also than the fee simple of his freehold. Under this bill, which was called a bill to purify the list of electors, every elector might have to run the gauntlet of opposition year after year, until he was wearied out of all desire to sustain his franchise. They ought, therefore, to take good care that in purifying the registry from spurious voters, they did not destroy the suffrages of a more numerous body of good and genuine voters. When he heard so much said on the other side about fictitious votes, and the perjury by which they were supported, and when he likewise heard of landlords creating freeholds by deed revocable on the shortest notice, and of those who held such freeholds being registered, he could not help asking, who was it that had trained up the people of Ireland to the commission of perjury? When the landlords of Ireland sent the peasant one year to perjure himself to please them, could they be surprised that the next year the same peasant should commit perjury to please himself? If the House rendered the elective franchise not merely a burden, but something worse to those who claimed it, they would soon drive from the register every independent voter. The bill was not calculated to attain its professed objects. It was brought forward with the avowed intention of preventing fictitious votes from being placed on the registry, but it would, in reality, prove an obstacle to the acquisition of genuine votes. The Government had announced their intentions of proposing measures on the subject, but he confessed he was not very sanguine as to the probability of their passing into law. He had no doubt that that the bills proposed by the party opposite, if they received the sanction of the House, would pass into law. But would not the country prefer to retain the Reform Act, even with its present inconveniences, to the adoption of bills such as the party opposite brought forward? Would not the country rather wait for the time when the other House of Parliament should take a different course on these matters? He said that the Government ought to prepare bills in the way in which the public should have them, and if the House of Lords rejected them, still the principles of the Government would be seen, and it would also be seen where the impediment to good legislation was. Let no man impute to him, because he said this, that he felt any disrespect for the House of Lords. He would be the last man to injure the character of that House, but if that House was so constituted, that it felt such alarm at reform as to impede good legislation, it was fit that public opinion should operate upon the peers But this was only a temporary evil, for the noble lords who now sat in the House of Commons, when they took their seats in the other house, having been educated among the people, would not entertain the same dread of the progress of reform. It was right that the nature of the vote to which the House was about to come should be distinctly understood. If the bill should be carried, it would indicate an intention to impair the Reform Act, and every Englishman must feel alarm lest the House should next be disposed to pass a bill of a similar character with respect to England.

Mr. *Hume* moved that the debate be adjourned till next day.

Sir *R. Peel* felt convinced no further discussion on the subject was necessary, and he called on the noble Lord the Secretary for the Colonies to act upon the opinion he expressed last night, that Lord *J. Russell* should certainly vote against the adjournment of the debate.

The House divided on the adjournment. Ayes 127; Noes 431: Majority 304.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Barry, G. S.
Bellew, R. M.
Berkeley, hon. H.
Bewes, T.
Blackett, M. J.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bryan, G.
Bulwer, Sir L.
Busfeild, W.
Butler, hon. Colonel
Callaghan, D.
Cave, hon. R. O.
Chester, H.
Clements, Viscount
Collier, J.
Collins, W.
Corbally, M. E.
Craig, W. G.
Crawley, S.
Dashwood, G. H.
D'Eyncourt, rt. hn. C. T
Duke, Sir J.
Duncombe, T.
Easthope, J.
Ellice, E.
Ellis, W.
Etwall, R.
Euston, Earl
Evans, G.
Ewart, W.
Fielden, J.
Fleetwood, Sir P.
Fort, J.
Gillon, W. D.
Grattan, J.
Grattan, H.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grote, G.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hutton, R.
Holland, R.
James, W.
Johnson, Gen.
Langdale, hon. C.
Lister, E.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A.
Macnamara, W.
Maher, J.
Marsland, H.
Martin, J.
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D.
O'Brien, C.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connor Don
Pattison, J.
Pechell, Capt.
Philips, M.
Phillpotts, J.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Power, J.
Redington, T. N.
Roche, W.
Roche, Sir D.
Rundle, J.
Salwey, Col.
Scholefield, J.
Seale, Sir J. H.
Smith, J. A.
Smith, B.
Smith, G. R.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, M.
Stanley, hon. W. O.
Steuart, R.
Stock, Dr.
Strickland, Sir G.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
White, H.
White, L.
White, S.
Wilbraham, G.

Williams, W.
Wood, Sir M.
Wood, B.
Worsley, Lord
Yates, J. A.

TELLERS.

Hume, J.
Roche, E. B.

List of the NOES.

Abercromby, hon. G.
Acheson, Viscount
Acland, Sir T. D
Acland, T. D.
A'Court, Captain
Adam, Adm. Sir C.
Adare, Lord
Ainsworth, P.
Alford, Viscount
Alsager, Captain
Alston, R.
Andover, Viscount
Anson, Col.
Anson, Sir G.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, H.
Attwood, W.
Bagge, W.
Bagot, W.
Bailey, J.
Bailey, J., jun.
Baillie, H. J.
Baines, E.
Baker, E.
Baldwin, C. B.
Bannerman, A.
Baring, rt. hn. F. T.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Barron, H. W.
Bassett, J.
Bateson, Sir R.
Beamish, F. B.
Bell, M.
Berkeley, hon. C.
Bethell, R.
Blackburne, I.
Blacket, C.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bowes, J.
Brabazon, Lord
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Bucke, L. W.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Calcraft, J. H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish, G. H.
Chapman, Sir M.
Chapman, A.
Chetwynd, Major
Childers, J. W.
Cholmondeley, H.
Christopher, R.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C.
Cole, hon. A. H.
Colquhoun, Sir J.
Compton, H. C.
Conolly, Col. E.
Cooper, E. J.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cowper, F. J
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Crompton, Sir S.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Darlington, Earl
Denison, W. J.
De Horsey, S. H.
D'Israeli, B.
Divett, E.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H.
Duff, J.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncan, Viscount
Duncombe, hon. W.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J.
Dundas, Sir R.
Dundas, D.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Elliott, hon. J. E.
Ellice, E.
Ellis, J.
Erle, W.
Estcourt, T.
Evans, W.
Farnham, E. B.
Farrand, R
Feilden, W
Fector, J. M.
Fellowes, E.
Ferguson, Sir R.
Ferguson, R.
Filmer, Sir E.
Finch, F.
Fitzalan, Lord
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forrester, hon. G.
Fox, S. L.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, R.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Greenaway, C.
Grey, rt. hn. Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, E. H.
Guest, Sir J.
Hale, R. B.
Halford, H.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, Lord C.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Heron, Sir R.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. E.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Humphery, J.
Hurst, R. H.
Hurt, F.
Hutchins, C. J.
Hutt, W.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jervis, J.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kelburne, Lord
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lambton, H.
Lascelles, hon. W.
Lefroy, T.
Lemon, Sir C.
Lennox, Lord G.
Liddell, hon. H.
Lincoln, Earl of
Litton, E.

Loch, J.
Lockhart, A. M.
Long, W.
Lowther, Colonel
Lowther, J. H.
Lowther, Viscount
Lygon, hon. General
Macauley,rt.hn.T. B.
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Maclean, D.
M'Taggart, J.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C.
Marshall, W.
Marsland, T.
Martin, T. B.
Marton, G.
Mathew, G. B.
Maule, hon. F.
Maunsell, T. P.
Melgund, Viscount
Meynell, Captain
Mildmay, P. St. J.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T.
Mordaunt, Sir J.
Moreton, A. H.
Morgan, C. M. R.
Morpeth, Viscount
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, C. G.
Norreys, Lord
Northland, Lord
O'Brien, W. S.
O'Ferrall, R. M.
O'Neil, J. B. R.
Ord, W.
Ossulston, Lord
Oswald, J.
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Paget, F.
Pakington, J S.
Palmer, G.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pease, J.
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W.
Perceval, Colonel
Perceval, hon. G. J.
Philips, G. R.
Pigot, D. R.
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Ponsonby, C. F. A.
Powell, Colonel
Powerscourt, Viscout
Praed, W. T.
Paice, Sir R.
Price, R.
Pringle, A.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Ramsbottom, J.
Reid, Sir J. R.
Rice, E. R.
Rich, H.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, R.
Rushout, G.
Russell, Lord J.
Rutherford, rt. hn. A.
Sanderson, R.
Sandon, Lord
Sanford, E. A.
Scarlett, J. Y.
Scrope, G. P.
Seymour, Lord
Shaw rt. hon. F.
Sheil, R. L.
Shelburne, Earl
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Slaney, R. A.
Smith, A.
Somerset, Lord G.
Stanley, hon. E.
Stanley, E.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strangways, hon. J.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, Sir E.
Surrey, Earl of
Talfourd, Sergeant.
Tavistock, Marquis
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Col. H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Townley, R. G.
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Vernon, G.
Villiers, Lord
Vivian, Major C.
Vivian, J. H.
Vivian, J. E.
Vivian, Sir R.
Waddington, H. S.
Walker, R.
Wall, C. B.
Walsh, Sir J.
Welby G. E.
Wemyss, Captain
White, A.
Wilbraham, B.
Wilde, Sir T.
Williams, R.
Williams, W. A.
Wilmot, Sir E.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Wood, Colonel T.
Wood, G. W.
Wynn, rt. hn. C. W.
Wyse, T.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

On the question being again put,

Mr. *Hume* moved the House do adjourn.

Lord *Ingestrie* begged to assure the noble Lord, the Secretary for the Colonies, that if this futile attempt of adjournment was persevered in, he, for one, should do every thing in his power to prevent any of the Government business being proceeded with.

Lord *J. Russell* said, the noble Lord chose to presume that those who had moved the adjournment were acting under his control. He would tell the noble Lord, that if those who made motions of adjournment were always under his control, he should have taken care last year, when his right hon. Friend, the Chancellor of the Exchequer, proposed a bill, that repeated motions for adjournment should not have been made upon that bill by those who supported the Government in that House. The course taken with respect to that bill was to obstruct it by repeated adjournments, and it seemed that parties not very different from those who made that opposition were now obstructing by motions of the same kind the bill proposed by the noble Lord opposite. He was no party to that course; he did not approve of it, but having been unable to prevent that course being taken with respect to a bill proposed by a Member of the Government, he did say, that the noble Lord had no right whatever, either to accuse him of promoting this motion for adjournment, or to accuse those who were acting under a sense of what they conceived to be their duty of acting under the control of the Government. The noble Lord would take his own course with respect to the public business that might be brought forward; but certainly, finding no reason to admire the conduct of which the noble Lord disapproved, he saw much stronger reason to disapprove such a course as the noble Lord had announced that he should take, of obstructing all public business whatever, for which the noble Lord had given no just reason. He must say, that the noble Lord, upon a proceeding with which he was in no way connected, had founded an attack and imputation upon him which was entirely gratuitous, of which the noble Lord did not possess a jot or tittle of proof, and which the noble Lord ought never to have made without some plausible reason.

Mr. *Hume* said, that having moved the adjournment, he begged to assure the noble Lord that he had as much to do with the motion as the noble Lord opposite himself had.

Lord *Ingestrie* begged most distinctly to assure the noble Lord that he meant no imputation with respect to any connexion on his part with the hon. Gentleman who had moved the adjournment. What he meant to say was this, that those who supported that motion were the habitual supporters of the noble Lord.

The House again divided on the question of adjournment. Ayes 91; Noes 375:—Majority 284.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Bannerman, A.
Barry, G. S.
Bellew, R. M.
Berkeley, hon. H.
Bewes, T.
Blake, M. J.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Bryan, G.
Butler, hon. Colonel
Callaghan, D.
Cave, hon. R. O.
Chester, H.
Clive, E. B.
Collier, J.
Collins, W.
Corbally, M. E.
Crawley, S.
Dashwood, G. H.
Duncombe, T. S.
Ellice, hon. E.
Ellis, W.
Etwall, R.
Euston, Earl of
Evans, G.
Ewart, W.
Fielding, J.
Fleetwood, Sir P. H.
Grattan, H.
Greig, D.
Grey, rt. hon. Sir C.
Hawes, B.
Heathcoat, J.
Hill, Lord A. M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hutton, R.
James, W.
Johnson, Gen.
Langdale, hon. C.
Lushington, rt. hn. S.
Maher, J.
Martin, J.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor Don
Pattison, J.
Pechell, Captain
Pinney, W.
Power, J.
Power, J.
Redington, T. N.
Roche, W.
Roche, Sir D.
Rundle, J.
Salwey, Colonel
Schofield, J.
Smith, B.
Somers, J. P.
Standish, C.
Steuart, R.
Stock, Dr.
Strickland, Sir G.
Talbot, C. R. M
Tancred, H. W.
Thornely, T.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
White, L.
White, S.
Wilbraham, G.
Williams, W.
Wood, B.
Yates, J. A.

TELLERS.

Hume, J.
Roche, E. B.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adam, Admiral Sir C.
Ainsworth, P.
Alford, Viscount
Alsager, Capt.
Alston, R.
Andover, Viscount
Anson, Sir G.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Bagge, W.
Bagot, hon. W.
Bailey, J., jun.
Baillie, H. J.
Baines, E.
Baker, E.
Baldwin, C. B.
Baring rt. hon. F. T.
Barnard, E. G.
Barneby, J.
Barrington, Viscount
Bassett, J.
Bateson, Sir R.
Beamish, F. B.
Bell, M.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bowes, J.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, C.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Busfeild, W.
Byng, G.
Calcraft, J. H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Cavendish, hon. C.
Chetwynd, Major
Childers, J. W.
Cholmondeley, hn. H.
Christopher, R. A.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A. H.
Colquhoun, Sir J. C.
Compton, H.
Conolly, Colonel E.
Cooper, E. J.
Corry, hon. H.
Courtenay, P.
Craig, W. G.
Cresswell, C.
Crewe, Sir G.
Cripps, J.

Crompton, Sir S.
Dalmeny, Lord
Damer, hon. D.
Darlington, Earl of
D'Eyncourt, rt. hn. C.
De Horsey, S. H.
D'Israeli, B.
Divett, E.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Drummond, H. H.
Duff, J.
Duffield, T.
Duke, Sir J.
Dunbar, G.
Duncan, Viscount
Duncombe, hon. W.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Dundas, D.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Easthope, J.
Eastnor, Viscount
Eaton, R. F.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Elliot, hon. J. E.
Ellis, J.
Erle, W.
Estcourt, T.
Evans, W.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. M.
Fellowes, E.
Ferguson, Sir R. A.
Ferguson, R.
Filmer, Sir E.
Finch, F.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forrester, hon. G.
Fort, J.
Fox, S. L.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Gillon, W. D.
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess of
Grattan, J.
Greene, T.
Greenaway, C.
Greg, R. H.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Grote, G.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Handley, H.
Harcourt, G. S.
Hardinge, hon. Sir H.
Harland, W. C.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Heron, Sir R.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J. C.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hoskins, K.
Hotham, Lord
Houstoun, G.
Howard, hon. E. G.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jervis, J.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kelburne, Viscount
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lefroy, rt. hon. T.
Lennox, Lord G.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Loch, J.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, J. H.
Lushington, C.
Lygon, hon. Gen.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
M'Taggart, John
Mahon, Viscount
Manners, Lord C. S.
Marshall, W.
Martin, T. B.
Marton, G.
Mathew, G. B.
Maule, hon. F.
Maunsell, T. P.
Melgund, Viscount
Meynell, Capt.
Miles, P. W. S.
Miller, W. H.
Monypenny, T. G.
Mordaunt, Sir J.
Moreton, hon. A. H.
Morgan, C. M. R.
Morpeth, Viscount
Neeld, J.
Nicholl, J.
Noel, hon. C. G.
Norreys, Lord
Northland, Lord
O'Brien, W. S.
O'Ferrall, R. M.
O'Neill, hon. J. B. R.
Ossulston, Lord
Oswald, J.
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, M.
Parker, R.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Pease, J.
Peel, rt. hon. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, hon. G. J.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Price, Sir R.
Pringle, A.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Ramsbottom, J.
Rice, E. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sanderson, R.
Sandon, Viscount
Sanford, E. A.
Scarlett, hon. J. Y.
Scrope, G. P.
Shaw, right hon. F.
Sheil, right hon. R. L.
Shelburne, Earl of
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smith, J. A.
Somerset Lord G.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, E.
Stanley, Lord
Stanley, M.
Stansfield, W. R.
Stewart, J.
Stuart, W. V.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hn. Sir E.
Talfourd, Sergeant
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, hon. F. J.
Townley, R. G.
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.

Vere, Sir C. B.
Verner, Colonel
Vernon, C. H.
Villiers, Viscount
Vivian, Major
Vivian, J. E.
Waddington, H. S.
Wemyss, Captain
Wilbraham, hon. B.
Wilde, Sir T.
Williams, R,
Williams, W. A.
Wilmot, Si . E.
Wilshere, W.
Winnington, Sir T. E.
Wodehouse, E
Wood, C.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Worsley, Lord
Wyse, T.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

Mr. *Hume* declared, that his object had been in moving the adjournment to give his hon. and learned Friend (Mr. O'Connell) an opportunity of delivering his sentiments on this most important question; and as he himself was also anxious to state his views upon it, but had not been able, though he had frequently risen in the course of the evening, to catch the Speaker's eye, he now felt it to be his duty to move, that the debate be adjourned till this day.

Lord *Stanley* said, it really was time for the House to consider seriously to what length they were disposed to permit the abuse of what in itself was really a most valuable privilege. No one was more ready than he was to admit that there were occasions on which some unreasonable propositions might be pressed in a thin House, and at a very late hour, by an overwhelming majority, for which the power of moving adjournments was the last and only remedy. In his judgment it was valuable at such a time, but then only was it a justifiable measure. It must be clear to every one, that if any Gentleman on either side was determined that a great question should not be settled without even offering to submit his opinions on the subject from five o'clock in the afternoon to two next morning. He might, by moving adjournment after adjournment, render it absolutely impossible to conduct the business of the House. He really should have thought that the hon. and learned Member for Dublin coming over from Ireland, burning with resentment against this bill, and against him, having met him face to face in that House, would have taken the earliest opportunity of redeeming the pledge he made in Dublin, that he would reiterate his charges to his face, and that the hon. and learned Gentleman would, at all events, have had the honesty of purpose to do so according to the rules of the House, when he should have been enabled to answer his accusations. But, waving the advantage of a reply, he did not expect that the hon. and learned Gentleman, after two nights had been consumed in debating this question, which had been the subject matter of two nights' previous discussion on the second reading, without having made an attempt to offer himself to the House, would have resorted to a measure which, after all, could lead to nothing but public inconvenience and the stoppage of business, by again moving the adjournment of the House. He well knew a minority had the power of interposing and moving these adjournments; but he also knew, if they exercised that power, the business of the country could not be proceeded with. If they exercised it in every case in which they apprehended the judgment would be pronounced against them, they stood in the way of the expression of free public opinion in that House, and they must be subject to that imputation which the country would cast on them, of resorting to these expedients in the hope of putting off the evil day, when the voice of the people in that House would declare emphatically against them. Such a state of things really placed hon. Gentlemen who had charge of bills in the greatest possible difficulty. Every one must admit, that the question which he had already submitted to the consideration of the House was one of the deepest importance and most vital interest, on which it was most desirable they should have a speedy decision from the representatives of the people. The adjournment of last night had already interfered with the notices of motion which stood in Tuesday's paper; and Wednesday was fixed for the consideration of measures brought forward by private Members of Parliament. If the debate were again adjourned, he should be obliged to ask for precedence, and that would postpone the consideration of other important bills, among others, that of the hon. and learned Member for Reading (the Copyright Bill) which had so frequently been postponed. If the House did agree to take an adjournment of the debate, what security had they that this game would not be played again? With all respect to those hon. Members who had spoken that night, he must say, that the debate was not much advanced from seven o'clock till ten or half past ten. At half past six or seven o'clock there were about forty-five Members in the House, and the great difficulty that would be felt, even if this debate were adjourned would be the difficulty of keeping it alive, and of preventing the House from being counted out during those fatal hours which intervened between five and nine o'clock, because not one of those thirty or forty gentlemen who were determined to speak would condescend to speak till nine o'clock. This course might be followed, not only the next night, but for half a dozen nights more in succession. He had, therefore, no alternative but to appeal to the hon. and learned Gentleman opposite, and the other hon. Members who had notices on the paper, and ask for precedence for this debate.

Mr. Serjeant *Talfourd* certainly felt that in the position in which this question stood, the noble Lord had taken the only course which he could pursue, and he hoped that other Members would follow his own example, and wave the orders for which they had precedence. He felt bound to give way himself, as the course of proceeding which had been adopted was one to which he would never be a party.

Debate adjourned.

HOUSE OF COMMONS,

Wednesday, May 20, 1840.

MINUTES.] Bill. Read a second time:—Indemnity.

Petitions presented. By Mr. Williams, Mr. Wood, and Sir C. Knightley, from Coventry, Pontefract, and other places, for the Repeal of the Corn-laws.—By Mr. Walker, Mr. Dundas, Mr. Brodie, and Mr. Lambton, from Newmarket, South Shields, Wellingborough, and various other places, against any Grant for Church Extension.—By Mr. Plumptre, Mr. Codrington, Lord Barrington, and others, from Gloucester, Bath, and several other places, in favour of Church Extension.—By Mr. Baines, and Mr. Wood, from York, and Christchurch (Surry), against Church Rates.—By Mr. Hume, from the Coffee-house Keepers, against the Copyright Bill; and from Lanarkshire, for Universal Suffrage; and from Birmingham, for the People's Charter.—By Mr. T. Duncombe, from the Master Chimney Sweepers, against the Chimney Sweepers Bill.

REGISTRATION OF VOTERS (IRELAND)—ADJOURNED DEBATE.] On the Order of the Day for resuming the adjourned debate,

Mr. *Hume* said, that having last night or rather this morning, proposed the adjournment of this debate, he was anxious to state to the House his reasons for having taken that step. He had several times during the debate endeavoured to catch the Speaker's eye, and not having been successful up to one o'clock, he was anxious to prevent a division on the main question, knowing there were several Irish Members anxious to express their sentiments, which even the hon. and learned Member for Dublin had not done, and he therefore proposed the adjournment of the debate. He quite agreed with the noble Lord, as to its being possible that the power possessed by individuals of impeding any measure by dividing the House, might be carried to excess. But if there was an occasion which called for the exercise of that power, he thought this bill supplied it. He did not think, therefore, that the noble Lord was warranted in throwing out reflections on those who endeavoured to postpone the discussion of the question. He thought, that in every measure of great importance, it was essential that hasty decisions should not be come to, and that those to whom the people confided their interests, such persons as the hon. and learned Member for Dublin, should not at any rate, be deprived of any opportunity of freely and fully expressing their sentiments. It must be known to Members on both sides of the House, that at all the public meetings held in Ireland in relation to the subject, the hon. and learned Member for Dublin had been requested to oppose the further progress of the bill by every means in his power. He, therefore, considered that he himself, and those who had acted with him, were perfectly justified in the course they had taken, and he could assure the noble Lord, that if ever a question of equal importance should arise, he would never hesitate to have recourse to a similar proceeding. It appeared to him that the question was considered on two narrow grounds. The noble Lord on introducing the bill had pretended that its object was to improve the franchise in Ireland, and to prevent fraudulent voters from being placed on the list; in short, to give, as he (Mr. Hume) understood the noble Lord, full effect to the votes of those who were really entitled to the franchise. It appeared to him, from every report he had received from Ireland upon the subject, that the character given of the bill last night by the hon. and learned Member, the Solicitor General for England, was a proper and correct one. It appeared to him to be in every sense a bill which would limit the suffrage in Ireland, and that it would be impossible so to amend it in Committee, as that it could be attended with any other effect. He contended, that if there was one point on which the public voice of Ireland had been more decidedly manifested than on another, it was in opposition to the present measure. He would not say, that in some points the feelings from which that opposition arose might not be exaggerated, but the noble Lord would allow him to say, that anything coming from him was looked upon with great suspicion by the people of Ireland. They could not forget that the noble Lord had formerly introduced the Coercion Bill—a measure more calculated to estrange their confidence from him than any, perhaps, that had ever been introduced by the minister of any country. The people recollected the noble Lord's attempt to destroy the civil liberty of Ireland. They could not forget that, and he hoped they never would forget it. That was not the only bill which the noble Lord attempted to pass to destroy their liberties. [An *Hon. Member*—It was not his bill at all.] The noble Lord had the credit of it, and he believed the noble Lord was the author of it, though others participated in it. He always blamed those who were weak enough to concur in the Coercion Bill. When the Cabinet of which the noble Lord was a Member, was broken up, explanations were given which exonerated those who voted in the minority upon that bill. The noble Lord had also introduced a bill to deprive the people of Ireland of the power of possessing arms as if they were unworthy of being intrusted with the possession of arms. He was sorry that the hon. Member for Caithness was not in his place—for, as an old Radical, he did not like to see those changes in political principles taking place. He hoped the hon. Member would come in before he had done, that he might call to his recollection some of those sentiments which the hon. Member last night professed, and at which he must express his utmost wonder. The hon. Member was a man of good sense in some respects—and of great consideration, and what he had to say he did not say off-hand, like others—but he came down prepared, and what he had to say was not to be taken as ordinary matter or undigested observations. The hon. Member for Caithness, and noble Lord the Member for North Lancashire, said that this bill was a boon to the people of Ireland. He was sorry that the party who were to receive the boon did not consider it as such. The people of Ireland, on the contrary, regarded it as part of the same policy which they had experienced from the noble Lord before, by his Coercion Bill, and other similar measures; and surely no boon was ever received by any people with so much reluctance. If ever there was a bill against which the sense of the people of Ireland was strongly expressed, this was that bill. He could speak with perfect confidence so far as regarded the city which he had the honour to represent. Petitions had been forwarded from every parish in the city of Kilkenny, and he had been requested to offer every opposition to its progress, consistent with the rules of the House. It was pleasing to him to concur in the wishes of his constituents, and he should endeavour, so far as in him lay, to give full effect to them. He should be sorry to differ from his constituents, nor did he feel himself bound to follow their opinion on all occasions, but when they were right, as he believed them to be on the present occasion, he was glad to co-operate with them in resisting an insidious attempt to interfere with the privilege to which they were entitled. Forty years had rolled over Ireland since the people of that country had been told that they would have a community of interests, and an equality of laws with the English people. Instead of that, they had been trampled on and persecuted. The noble Lord certainly did attempt to diminish the master-grievance of the Irish people—an overgrown Church Establishment. He had reduced a portion of the useless bishoprics of that country, but to the present hour Ireland stood in a different situation from either England or Scotland; and he would say that the people of Ireland ought not, and he trusted they never would be satisfied until they were placed on an equal footing with the people of England and Scotland, not only as regarded civil rights, but also as regarded religious establishments. Up to the present moment the Parliament had refused to place Irishmen on the same footing as Englishmen and Scotchmen, and in England and Scotland, a majority of the population belonged to the Establishment, and, therefore, he did not quarrel with the continuance of establishments in these countries; but he trusted the time would soon come when the people of Ireland would no longer suffer the existence of that master grievance, from which they derived no benefit whatever. They were taking away from the people of Ireland, that right to which, by the Union, they were entitled. They had refused them that advantage which had been extended to England and Scotland as regarded Municipal Corporations. Was it possible that anything else but discontent with the conduct of those who thus acted in Parliament could arise in the minds of the people of Ireland? Had they not a legitimate cause of discontent? And he would ask the noble Lord why he introduced this bill to add to that discontent, by taking from the people of Ireland, the little remnant of justice which had been done them by the Reform Bill? Could the people of Ireland see with patience this attempt of the noble Lord to deprive them of the little liberty left them by the Reform Bill, to give them over into the hands of those who had ever studied how to promote the benefit of the few at the expense of the many, and to place them in dependence again on that party, who had, until recently, ruled Ireland with a rod of iron. He would tell the noble Lord, that the bill was calculated, and that its object was to reduce the number of the electors of Ireland beyond the present scale, and to deprive the people of that influence to which they were legitimately entitled. The noble Lord declared the object of his bill to be to clear the Irish register of improper persons, but what said the people of Ireland as to the effect which would be produced by the bill of the noble Lord? Why that it would occasion such vexation, plague, litigation, and expense, that it would not be worth while for one-half of the constituency of Ireland, to place their names on the registry. He would only allude to one remark which had been made by the noble Lord the Member for Northumberland last night, as that noble Lord was not now in his place, had he been present, he should have commented on what had fallen from him at some length, but as he was absent he would merely make one remark. The noble Lord had stated that the people of Ireland were not fit for an enlarged franchise. Now what right had the noble Lord to make such a remark. The noble Lord had assigned no reason for stating that the people of Ireland were not entitled to equal rights with the people of England and of Scotland. He denied the allegation of the noble Lord—Ireland was quite as fit for the franchise as England or Scotland; and in the selection of representatives, since they had the power of choosing their own representatives, they had chosen men who were more inclined to popular opinions than the people of England, and therefore, he would say, they were wiser, and the better entitled to an extension of the franchise, at least, equal with England and Scotland. The effect of the bill of the noble Lord would be to reduce the present too limited number of electors in Ireland more than one half. In his opinion every one contributing to the taxes of the country, and called upon to serve her Majesty in the militia, the army, and the navy, ought to have his interests protected, and had a right to participate in the election of those to whom were delegated the destinies of the country. Those who did not were no better than slaves in the West Indies.—He repeated it, that they were as much slaves in England as the blacks were in Jamaica, for neither had the franchise, and both were obliged to obey the laws made by those in whose election they had no voice. Those who were for restricting the Irish franchise ought to think how they could retain any hold on the affections of the Irish people. In England there was one elector in seventeen; in Scotland one in thirty-two; in Ireland one in eighty five. He had made an abstract of these returns, and he would read them to the House, to show the disproportion there was in the possession of the franchise between England and Ireland. He had placed in comparison, counties of similar extent and population, and he found that while Middlesex has 65,000 males and 18,000 electors, Kerry had 63,000 males, and but 2,000 electors; Yorkshire had 156,000 males and 29,000 electors, and Cork 171,000 males, and but 3,900 electors; and Huntingdon 11,000 males and 2,700 electors, while Kildare had 27,000 males and but 1,157 electors. Those were circumstances which he thought the House should take into consideration before they adopted the measure of the noble Lord. He had made some other comparisons to which he wished to call their attention. —There were five English counties of Cumberland, Lancashire, Northamptonshire, Worcestershire, and Wiltshire, which with a population of 1,440,000 inhabitants, returned twenty members to the

House of Commons, while five Irish counties, with a population of 2,166,000 souls, sent only ten members? He thought that the House should not neglect the considesation of such facts. He found that the Legislature had done little for Ireland, even of late years, with the exception of passing the Act of Catholic Emancipation, a boon for which the people of that country was deeply indebted to the right hon. Baronet, the Member for Tamworth. Ireland was progressing in wealth, and was daily improving, The people only wanted equal justice, and to have the laws which gave confidence in England and Scotland extended to that country. If that were done, there would be a field for the employment of English capital, by which the wealth and greatness of this country would be increased. It was lamentable to see eight millions of people unable to make use of the natural advantages they possessed, in consequence of the long series of misgovernment which they had suffered. Were there not enough of causes for discontent in that country already, without the noble Lord's opening up this new source? He would not believe that the noble Lord did not think that his bill would confer benefits upon Ireland. But he did not think so. He agreed rather with the people of Ireland, who believed it to be a bill of disfranchisement. Ireland was now suffering under the consequences of former misrule, and the denial of those institutions which the people had a right to enjoy. They were also burdened with a Church, such as neither England nor Scotland had to maintain. Were not these things enough to render Ireland uneasy? True, they had not enough to prevent the establishment of that quietness and order which was necessary to encourage the employment of capital. He found the Irish when employed in this country, worthy of confidence, active, ready, and industrious. Was it not lamentable that in their own country alone they should be told by this Parliament they were unworthy of equal rights? There was also at this time an effort made to raise a religious hatred against them in this country. Letters were written, aye, and by persons who supported the noble Lord and this bill, to get up meetings and petitions for the repeal of the Catholic Emancipation Act—men whom right hon. Gentlemen opposite associated with, and, as the public journals inform us, Members of the Legislature themselves. The hon. Member for Kent, whom he did not see in his place, had spoken upon the question, and if his speeches might be taken as a proof of the opinions he entertained, the people of Ireland had little to expect from his clemency, for he said that there could not be peace, and there ought not to be peace, until the Emancipation Bill was repealed, and until the penalties against the Roman Catholics were re-enacted. It was impossible to look at all those proceedings without feeling there was a lurking feeling of persecution existing towards that country, and he would say, that anything that gave increased power to that dominant and persecuting party, only added fuel to flame, of discontent and insubordination. He agreed that the present was as much an English as an Irish question, because it was most important to England that Ireland should be well governed, and that a perfect equality should be maintained throughout the whole empire, in order that peace, quiet, and tranqaillity, might be preserved. Therefore concurring with his constituents, and agreeing with the great majority of the people of Ireland, that the present was a bill of pains and penalties, he should never consent to forwarding it one single step. On the contrary, he should place every obstacle in its way, that the forms of the House allowed, and on that ground he should heartily concur in the motion to throw it out.

Mr. *Lucas* wished that the hon. Gentleman who had just sat down, had attended the registry sessions in Ireland last summer. If he had, he would have learned many facts that would have produced an alteration, at least a modification of his opinions, and they would then have more weight, both with the House and the country, than they now were entitled to. The hon. Member had complained of the defective state of the representation of Ireland, and compared the numbers who enjoyed the franchise there with those who enjoyed it in England. If the hon. Member complained abstractedly that the numbers were not sufficient in proportion to the population, on the ground which he believed the hon. Member advocated, that household or universal suffrage was to be the criterion of representation, it would not be necessary for him to combat that opinion, as that was not the question now before the House, but whether the present mode of trying the rights of electors in that country was one which ought to be continued. He did not think the comparison made by the hon. Gentleman was founded on just grounds. So long as the 10*l.* franchise existed in both countries, it must be expected that the number of electors to possess it in Ireland must be inferior to the number in England. The returns in connection with the Poor-laws proved that the state of agriculture and manufactures in Ireland did not admit of a body equal in wealth and numbers to what this country contained. The constituency of Drogheda consisted of 800 persons, 163 of whom were not able to write their names. Gentlemen talked of the vexations under this bill, but no one adverted to the vexations which at present existed, and which by this bill would be put an end to. He remembered that on one occasion 800 notices had been served in the county of Cavan, and only 200 persons appeared. This bill required notices to be served only once a-year instead of four times. He held in his hand a document, describing the mode of registration in existence before the Reform Bill, and subsequently to the Catholic Relief Bill. This document contained every one of the particulars which the noble Lord proposed to introduce—it contained the names not only of the lessee, but of the lives by name and surname, that were existing, by which means every person who had a fair claim produced it in open day. What the noble Lord asked was, to return to the system of the Roman Catholic Relief Bill—not to impose new restrictions, but to restore the restrictions which had existed. In conclusion, he had only to observe, that he thought a division might fairly be taken on the present occasion, after the long discussion which had taken place.

Mr. *Redington* would leave it to the noble Lord to say why he wished to return to the system under the Roman Catholic Relief Bill. His proposal so to do only proved that he was attempting to repeal the Reform Bill—he ought to go back to the franchise which existed before the Reform Bill. His objections affected entirely the principle of this measure, and he had not that sanguine expectation which the hon. Member for Northumberland entertained, that the bill would be so altered in committee as to induce him to give it his support. The instances quoted of fraudulent voting and of perjury in support of the right to the franchise, were not peculiar to Ireland. They were of frequent and notorious occurrence in many places in this country since the annual system of registration had been established. Upon the examination of the case of the Petersfield election, it was proved that many had improperly assumed the franchise, and that one had actually exercised the right of voting for twenty-two years, who had really no right to the franchise whatever. There had not been less than eight or nine persons detected in the improper exercise of the franchise in the inquiry into the Southampton election. The same discovery had been made in the cases of the Rochester and the Worcester elections recorded in the minutes of the House. Nor was this really a matter of surprise, whilst human nature continued to be actuated by the same springs and motives of conduct. We must despair, perhaps, of ever attaining a system of registration so perfectly pure as that instances of this nature should not occur. Was it then fair to proceed to argue that because cases had occurred where the franchise had been improperly assumed in Ireland, a system of surreptitious and fraudulent voting was general, and required a general remedy throughout Ireland, more than in England, where the same temptations to fraud and the commission of the offence of bribery existed in respect to the claim of the franchise? He would draw the attention of the House to an important fact, that all those cases to which he had alluded as of later occurrence were cases occurring since the system of annual registration had been introduced into England. With respect to the alleged cases of perjury upon the Longford election, so much insisted upon by the noble Lord, he had only to state, that in his opinion the laws were perfectly adequate to the repression of the crime if properly enforced. The effect of the existing system of registration was to give to the people at large inducements and temptations almost impossible to be resisted to put themselves upon the registry. Human nature could hardly be expected to resist the temptations held out in those cases to intrusion upon the registry and to perjury. He should oppose the bill, because he considered it was a measure having for its object the disfranchisement to a great extent of the people of Ireland. Those who supported the proceeding to examine the bill in committee should enter into the inquiry in committee with great caution. The course of political events had extremely limited the franchise in Ireland. By the Catholic Relief Act 99 in 100 voters in certain districts had been deprived of the right to vote at elections. This was going very far, but it had its compensation in the Relief Act. But the present bill must have the effect of circumscribing within still narrower limits the exercise of the franchise in Ireland. So far it was dangerous in its principle and in its initiation. The people of Ireland, he believed, generally must feel indignation at the projected circumscription of the franchise, since one of the most prominent subjects of complaint was, that the number of electors in the different cities, districts, and towns in Ireland was inadequate and disproportioned to the population. He was, he confessed, prepared to oppose the bill, because he conceived that it was a measure which must inflict a severe blow upon that portion of the United Kingdom, by narrowing its constituency within disproportionate limits.

Mr. *Milnes Gaskell* was not surprised at the vehement opposition which had been offered by a certain party to this bill. He was not surprised that in compliance with the demands which had been so imperiously and so significantly made by the leaders of that party, her Majesty's Government should have consented to oppose it; he owned, however, he was surprised, that after the second reading of the bill had been carried by a majority of sixteen—that after a majority of that House had declared its opinion that the present system of registration in Ireland did require alteration and revision, her Majesty's Government should deem it to be consistent with their public duty to interpose delay in the consideration of what that revision should be. He was also surprised that her Majesty's Government having resolved upon this course had not thought it necessary to furnish the House with some better reasons for its adoption than any which had yet been urged by the hon. and learned Gentleman (the Solicitor-General,) in this debate. It was not the use of violent and abusive language at the Corn Exchange at Dublin—it was not the branding of the noble Lord, the framer of this bill, with epithets that reflected discredit only upon those who used them; still less was it a panegyric pronounced upon the hon. and learned Member for Dublin by the first Minister of the Crown in that House, that would induce the people of this country or the majority of their representatives to repose any additional confidence in the Government which that noble Lord (J. Russell) represented, or to reject this bill. No; but the greater the fear of its consequences in certain quarters which they discerned, the greater the consciousness of weakness and of insecurity which they saw betrayed, the stronger would their conviction be that there was something in the present system of Irish registration that would not bear the light, and that this bill or some similar bill should pass. And if, in addition to this fear and to this consciousness, they further found that the arguments of its opponents had been characterized by the most desperate hardihood of assertion unredeemed by any attempt at substantiating the allegations which had been made, then they would be of opinion that there were some other motives besides the vaunted attachment to popular privileges which induced Gentlemen to offer so determined and so strenuous an opposition to the progress of the bill. Undoubtedly if any Gentleman was of opinion that there were no abuses in the present system of registration in Ireland which required legislative interference, no one had a right to quarrel with his vote in opposition to the bill. But did any man doubt their existence? Did any man doubt the prevalence of corruption and of perjury in the Irish registration courts? The grievance in this case was all but universally admitted—(Cries of "*No, no,*" from the Ministerial benches.) Why scarcely a single Session had passed away without bills being brought in by the Gentlemen opposite to redress it. Was this disputed? Was it denied by her Majesty's Government? Was it denied by his noble Friend the Secretary for Ireland? Was it not the fact that in the year 1835, a bill founded upon the same principle, and having in view the same objects had been introduced into that House by the law-officers of the Crown in Ireland? Was it not the fact that similar bills had been introduced in subsequent years, recommended by the same authority? Was it not the fact that so late as the year 1839, a similar bill had been brought into that House by an hon. Gentleman opposite, the Member for Limerick (Mr. O'Brien)? Then, if the grievance had been all but universally admitted—if the principle of this bill had been all but universally recognised in former Sessions, how did it happen that during the short period which had elapsed since the close of the last Session of Parliament, the views of Gentlemen upon the other side should have undergone so extraordinary a change? Surely it could not be that her Majesty's Ministers had since discovered that the removal of these abuses would operate to the prejudice of their own party interests in Ireland. Surely it could not be that they held the continuance of fraud and of false personation at elections to be comparatively slight evils when weighed in the balance against the risk of injury to the cause of agitation and repeal. It was true that the hon. Member for Kilkenny (Mr. Hume,) assigned other grounds for the rejection of this bill: he described it as a measure of disfranchisement, as a bill of pains and penalties against the Irish people. Now, he (Mr. Gaskell) confessed he was at a loss to understand how the hon. Gentleman could arrive at that conclusion. The bill proposed no alteration in the existing franchise. It only removed from the register those who had no right to vote, it only interposed difficulty where the claim was false. Then was the amount, he asked, of fraud and perjury so great that the detection of fraudulent and fictitious claimants could materially affect the franchise as now exercised in Ireland? Was it seriously meant that two-thirds of the present Irish constituency were destitute of a *bona fide* qualification, and obliged to resort to fraud and false personation to obtain one? If it was that admission which only furnished to his mind an additional argument for going into committee upon this bill, and threw no inconsiderable light upon the tenure by which some Gentlemen held their seats. The franchise might be too high or it might be too low; but with the amount of franchise this bill had nothing to do. It dealt only with the franchise that now obtained, and he (Mr. Gaskell) was convinced that the majority of that House would not seek to lower it by conniving at an infraction of the law. He should give his cordial vote for the committal of the bill.

Mr. *E. B. Roche*: The hon. Member who had just addressed the House had said, that this was not a disfranchising bill; but the very first clause of it went to disfranchise every voter in Ireland. If there had been so much of fraud as had been stated in the registration, surely it must have had some effect on the constituency. If so large a number of fictitious votes had been created as was alleged by the supporters of this bill, it was only reasonable to suppose that the franchise in Ireland would be extended over a much larger number, as compared with the population, than in this country where no such system of fraud existed. But what was the fact? In the county which he (Mr. Roche) had the honour to represent, out of 800,000 inhabitants which that county contained, only 3,926 persons were in possession of the elective franchise; while in Wales, out of a population of little more than 1,000,000 there were 43,026 voters. Therefore, if fraud existed in Ireland, it must prevail to a much greater extent in Wales. In the county of Monmouth, which had a population of not more than 19,000 inhabitants, the number of persons who enjoyed the elective franchise was 4,000. The present registry in Ireland, which had been fixed in 1832, on the passing of the Irish Reform Bill, would expire in November next, and notwithstanding the exertions that had been made by both parties during the present year and the one which preceded it, what did the House suppose had been the result? The number of the constituency now on the registry in Cork was 1,510, and he (Mr. R.) could say, from his knowledge of the county, that in November next, at the expiration of the present registry, the number of registered voters would not exceed 2,000. Was not that a constituency sufficiently limited to meet the views of hon Gentlemen opposite? Representing, which he regarded as a high honour, the largest county of Ireland, and one that contained a very large population, he thought it his duty to express his sentiments on this bill. He believed it to be a bill framed for party purposes, and suggested by party spirit, and that it was urged forward with the view not to improve but to destroy the elective franchise in Ireland.

Mr. *D. Callaghan* observed, that although they had been abandoned by the Members of the Government, and by the noble Lord who had brought forward the bill, he thought it would not be right to come to a division in their absence; he would therefore, with the permission of the House, offer a few observations in order to give the noble Lord and the Government an opportunity of coming back before the division took place. He (Mr. Callaghan) denied the existence of the abuses that had been charged against the constituency of Ireland, and he called upon those hon. Members who made the accusation to prove them. There was nothing in the evidence which had been produced before the fictitious votes committee to show the existence of such abuses. The hon. and learned Sergeant opposite had said, that dead men had been polled at the Cork election; but that assertion was entirely unsupported. He (Mr. Callaghan) had attended a great many registries, and had never known a case in which a person had succeeded in getting his name placed upon the registry by fraudulent means. He had supported the bill that had been brought forward by the Government for the purpose of improving the registration system in Ireland; he alluded to the bill that contained the obnoxious clause (as it was considered by some persons) of annual revision. He was not one of those who considered that clause obnoxious—but the bill now before the House was of a very different character to the one which had been brought forward by Mr. Sergeant O'Loghlin. When the Irish Reform Bill was under discussion, he (Mr. C.) was anxious to have a clause inserted that should afford an easy and speedy revision of the registry, without entailing expense upon the claimant, but that proposition was opposed by the noble Lord, who was at that time Secretary for Ireland, and others, and, consequently did not succeed. The noble Lord (Stanley) considered that the English system was objectionable, and therefore he would not extend it to Ireland; but the system which the noble Lord now proposed was infinitely worse than that which existed in this country. If this bill should pass, it would be a mockery to say that Ireland was longer governed upon the representative system.

Mr. *Somers* said, that he was at all times unwilling to obtrude himself on the attention of the House, when he had around him so many hon. Members who were fully able to do justice to the views and feelings he entertained, yet he could not on this occasion, as an Irishman, be content to give a silent vote. It appeared to him that he owed it alike to himself, as to his constituency and his country, to give utterance to his individual opposition to a measure not less remarkable for its specious than its intolerant character, and which he firmly believed would, if carried into effect, lead to the disfranchisement and degradation of the Roman Catholics of Ireland. Whatever might be the fate of this insidious measure, he was anxious to appear on the list of those who then posed, and would oppose it, to the best of their ability and spirit, through every stage of its progress. The noble Lord's bill has been so thoroughly dissected by persons adequate, from their legal acquirements, ability, and information, to estimate its object and effect, that he should not engross the time of the House in scrutinizing so ingenious an accommodation of spoliation legislised of impossibilities prescribed, and national disfranchisement, in terms and forms of the most elaborate absurdity. He had little apprehension of the passing of the bill. He believed that the noble Lord himself, whose antipathy to Ireland was so visible in every clause and object of the bill, did not expect that it would pass, for the noble Lord knew that England must be largely a partaker of its disastrous consequences. He looked upon the bill as one of those periodical devices so illustrative of the system of the noble Lord, and those who shared his feelings towards Ireland. It was intended (and well adapted was it to its end) to exasperate the patient spirit of a people, whom it seems to be the policy of certain hon. Gentlemen opposite to visit with the alternations of their oppression and contempt. He gave the noble Lord and his partisans credit for too much sagacity, to think that they seriously believed in the evils they assigned to the existing mode of registration, which, notwithstanding they had chosen to depict with so much studious distortion. He could hardly believe the flagrant zeal of the determined champion of the old and Orange policy, the gallant Member for Sligo himself, would advocate the abolition of existing rights, to substitute them by a bill replete with prescripts of impossibility. But he could see that the tranquil state of Ireland was a stubborn impediment to the plans and hopes of some Gentlemen opposite, and that any measure which could reproduce by its exasperating tendency, an insurrectionary movement in that now peaceful country would eminently serve the purposes of party, and give occasion for another burst of patriotic censure and regret from the opponents to the Government, to show with what contentious eloquence they could bewail and aggravate the evils of their own origination. He had recently witnessed so much of the love of country among the supporters of the noble Lord, that every fresh contingent difficulty, domestic or external, however utterly defying the control of human foresight, was hailed by them as an auspicious circumstance that would augment the difficulties of the Government, and re-open to them, no matter at what amount of national disaster, the avenue to short-lived power. Let it be remembered, that with all those evidences of deflection in the political morality of hon. Gentlemen opposite, the Irish people, when a question of their rights arises, are impeached for their deficiency in qualities, to which their worthiest opponents, and even their most notable revilers, have themselves but questionable claims. He would ask, from what indications hon. Gentlemen opposite, especially those high conservative, and anti-Irish Orange Gentleman, the gallant Members for Sligo and Donegal, who apparently neglected no opportunity in which an overstrained construction could convict their countrymen of the shadow of misdeed—he would ask from what these Gentlemen had drawn their inferences of the moral inferiority of the Irish people? Was it from the pacific condition of Ireland? Was it from the comparative view of crime as it existed in Ireland and Great Britain? Was it by contrasting her constituencies generally with those specimens of purity but recently produced before Committees of this House, in the striking instances of Cambridge and Ludlow? and he would here remark, that the corruption which was brought to light in those boroughs, as compared with any body of electors in Ireland, would be as "Ossa to a wart." Were hon. Gentlemen disposed to rate morality in Ireland so extremely low from the evidences of her loyalty and generous devotion to the Sovereign Lady of these realms? Let them, if they choose, contrast the chivalrous allegiance of the Irish people to the throne, with certain of those pestilent and seditious falsehoods by which in England the purity of virtue and the royal dignity had been assailed, beneath the shabby subterfuge of public duty, but to the indelible disgrace of those who uttered or endured such loathsome combinations of gross effrontery and unmanly spleen. It would create no surprise in any one possessing a becoming spirit, to find that Gentlemen who think with him (Mr. Somers) on points so intimately connected with the interests and dignity of Ireland, should eventually manifest some slight impatience at those eternally recurring misrepresentations advanced by hon. Gentlemen opposite—advanced in palpable derision of our rightful claims; in opposition to the dictates of expediency and justice. It was the duty of the Irish Members to spurn the shallow pausibilities by which insult, disgrace, and destruction were threatened to their country. The noble Lord himself would think it something meaner than subserviency, if they should speak with apathy while sustaining those privileges which the noble Lord's despoiling but consistent policy—at any sacrifice of the internal peace of Ireland, at the hazard of her separation in interests, in feeling, and in common sympathy (at all events) from this country—would deprive a country unwisely chosen by that noble Lord, on all occasions, as the object of his unrelenting and unjust assaults. Much as he objected to the hostility of most of the provisions of the bill, he far more deprecated the insult than the enmity it breathes to Ireland. She was too accustomed to endurance to shrink from conflict with the bigotry of her persecutors; but it was reserved for this occasion to degrade her with the grossness of contempt. But her firm spirit, however conversant with suffering, is not bound to the endurance of affront; let it come, if come it must, from the unwise determinations of a senate, or from the puny fretfulness of uncontrollable asperity. It could not be forgotten, in a discussion of such moment to Ireland, that any subject connected with that country had invariably provoked the noble Lord's acerbity of feeling, his exaltation at the statement of her depression and her sufferings, a tone and diction but too faithfully expressive of the noble Lord's hostility to all her interests and predilections, to her rights, her independence, and religion—in short, a palpable incorporation of those incorrigible prejudices which the noble Lord appears to cherish as the brightest denotement of his public life, and doubtless will continue to exhibit as the honourable proofs of his political consistency. He had heard the taunting observations of the noble Lord addressed to a distinguished Member of that House, the leader of the Irish people. Why has the noble Lord confined his attacks to that hon. and learned Member? Why did he not taunt other hon. Members who participate in the sentiments of the hon. and learned Member for Dublin, and who, like him (Mr. Somers), concurred in every expression used by the hon. and learned Member towards the noble Lord. He should trouble the House no farther than to express his decided hostility to the bill, and his determination to resist its progress in every stage consistent with the forms of the House.

Sir *Charles Grey*, after vindicating the motives of those who had called for the prolongation of the debate to the third night, and the propriety of that course, said, that he was opposed to this bill, upon the ground that it was calculated to continue and confirm the existing system of Irish franchise, and consequently that dissimilarity between the Irish and the English franchises, which, he thought, ought to have been only temporary, and that it would have the effect of giving validity to an interpretation, in his opinion erroneous, which had been put upon a very important portion of the Irish Reform Act, by a majority of the Irish Judges; and which it had been attempted to enforce by claiming for the twelve Judges as a tribunal, an authority, which in this province of law, did not belong to them. The abolition, in 1829, of the qualification arising from the forty shillings freehold, might be justified as a necessary precaution against the dangers inseparable from so great a political change as then took place; but, it was to be hoped that those dangers were temporary, and the restrictive precaution ought to be temporary also. It was not necessary to consider upon this occasion, whether there ought to be, simply, an assimilation of the Irish to the present English franchise; or whether the English franchise should not undergo some change, but it was desirable, that, in one way or another, at, at no very distant day, the English and the Irish franchises should be made identically the same. On the 13th April, 1839, in a debate on a bill brought in by the Lord Advocate of Scotland, the noble Lord himself, who brought in the Bill now under discussion, expressed an inclination in favour of an assimilation of the franchises of England, Scotland, and Ireland, and declared, that,

> "He could not consent, after the experience of the last few years, and the anxiety which had been shewn for the establishment in the three countries, of a representation founded upon the same principles to apply to the property of Scotland, a different rule from that which governed England and Ireland."

Now my first objection to the whole body of the noble Lord's bill, is, that although it does not introduce any new difference, yet it has the appearance of being intended for the purpose of rivetting upon the Irish people, a system which includes a difference of franchise; and it holds out no prospect, nor hope, nor gives any hint of a tendency to assimilation. But the objection to the present state of the Irish franchise which this bill might have the effect of fixing and establishing as its permanent condition, is not merely its inequality and dissimilarity to the English franchise. There has been a struggle going on as to the interpretation of an important part of the law of Irish franchise; and this bill is framed for the purpose of giving the victory to the party, which, in my opinion, is in the wrong. This is the state of circumstances of which the hon. Member for Coleraine made, according to his own views of the case, a representation to the House last night, but of which, with the permission of the House, I wish to state at least a different opinion. The old English statute of the 8 Henry VI. c. 7., which fixed the qualification of the forty shilling freehold, explains the meaning with which it employed the word *value* by saying that the freeholder must be "able to expend forty shillings by the year." Now when it is considered that at that time the modern relation of farmer and landlord was comparatively unknown, and that the condition of small freeholders was, in general, that they were themselves tenants of manors, paying quit-rents, or rendering services, and that they occupied their own lands, it scarcely admits of any dispute, as an historical fact, that the statute was intended to recognize the qualifications of those freeholders who, by the sale of the produce and stock of the lands in their own occupation, were able yearly to raise and expend forty shillings of money, and that it had no reference at all to rack-rent as a criterion of the value of the occupying freeholder's interest. But it seems that no formal interpretation of the words of the statute was called for before 1785, in which year a committee of this House, in the Bedfordshire case, is reported to have resolved,

> "That the value of a freehold, in right of which the owner votes, is the rent which a tenant would give for it, and not what the owner occupying it himself *may possibly* acquire from it."

It is to be observed, that no case, in which the freeholder was the occupant of his own land, is circumstantially stated as having called for this resolution of the Bedfordshire committee; if there had been any, it would have been curious to see in what way they would have disposed of any well proved fact of the land yielding in the whole a larger amount of clear annual gain than the sum which it would let for: but the case in which the question first arose, and was argued before the committee, appears to have been Southwell's case, in which the freeholder was not the occupant of the land; and so, of course, the right measure of the annual value to him was the rent received by him. This same case of Southwell is stated by Sergeant Peckwell, in a note to his report of the Middlesex case, as the illustration of this decision of the Bedfordshire committee. The wording also of the resolution is remarkable—

> "Not what the owner occupying it himself *may possibly* acquire from it."

Which seems to imply either that the committee meant only to refuse to take unascertained, and merely possible profits, as a measure of value, or else that they had shut their eyes against the fact, that, generally speaking, there must necessarily be some considerable profit and value beyond the rent of land, or land would not be let, and that a decision which declares that the annual value of land, to the owner of it, is the same whether he receives only the rent, or, by occupying it, receives additional profits, amounts, in reality, to a deliberate assertion, that a part is equal to the whole. In the case of a small tenement this may be kept out of sight, or may escape observation: but what can be said in support of such a rule when applied to large farms of one or two thousand acres on which the farmer's annual gain amounts to one or two thousand pounds, and from which he accumulates in the course of years a considerable fortune? Taking these circumstances into consideration, it does seem that more deference was paid to this decision than it merited, and that a wider effect has been given to it than, perhaps, the authors of it contemplated. Such as it was, however, the decision of the Bedfordshire committee being formally reported by Luders, and stated by Sergeant Heywood, in his book on Election Law, as applying indiscriminately to freeholds, whether let to tenants or occupied by the owners, was followed by other committees, and excused them from taking evidence of the actual profits of land: and an interpretation was thus affixed to the statute of the 8th Henry 6th, c. 7, which no historian would even now venture to assert was the meaning of those by whom it was made; which it is morally impossible they could at that period have contemplated; and which, even within a few years of the present time, it would have been very difficult to apply to some parts of England in which whole districts were inhabited by small freeholders occupying their own lands, and never thinking of letting them to farmers. At this day, in the greater part of the United States of America, the English relation of landlord and tenant does not subsist, unless in towns or suburbs, and cannot be created. Where a man can so easily obtain land of his own he wont hold any of a landlord. He perfectly well understands the annual value of the land when it is measured by what he can make of it, but, if he was to be asked to measure it by what it would let for in a country where there are no farmers, in our sense of the word, he would be obliged to say, it had no value at all. The resolution of the Bedfordshire Committee, if it really was meant to apply to land in the occupation of the owner, appears to me to have been an infringement of the franchise of the small freeholders, but made carelessly, and with a view only to the ease of those who might have to ascertain the value of qualifications of this class, and to save the trouble and avoid the difficulty of determining the annual profits obtained from land by those who might claim to vote upon that footing. The decision, however, not only was followed, but occasioned, no doubt, the introduction into the Irish statutes of those express enactments which required that the value of the freeholder's land should be such, that a solvent tenant would give 40*s*. a year for it. A similar provision was re-enacted even when the 10*l*. was substituted for the 40*s*. freehold by the 10 Geo. 4th; and as long as those enactments were in force, undoubtedly there could not be any difference of opinion as to what must be the criterion of value. But then came the Irish Reform Act, the 2nd and 3rd Will. 4, cap. 88 which omitted, and as I should say, rejected these provisions, and the point to be determined was, whether, under the first section of that statute the criterion of a qualification claimed by a leaseholder and occupant, and defined by the words of the act simply as "a beneficial interest in lands or tenements of the clear yearly value of not less than 10*l.* over and above all rents and charges," should be the question whether the occupants' interest might be let a second time to a second tenant for a second rent of 10*l.*, or whether the amount of his annual profit derived from the land, is not the true measure of the annual value of his interest in it. It is strange that so shortly after the passing of the Reform Acts, there should have been any difficulty in this House in learning what in fact was the meaning of those by whom the acts were framed, and upon a point so directly affecting the franchises of small leaseholders in Ireland; but I will not stop to inquire into that matter, nor the history of the introduction into the act of the words "beneficial interest" of which rather a curious account is given in the notes to the report of the Longford case, which was heard before a committee of this House in 1833. Neither will I ask the House to listen to a repetition from me of the arguments which were so ably urged by the counsel on either side, and which are so fully recorded in the printed reports of that case, and of the two cases of Glennon and of Feighny in the Irish courts, as to the question of value of the beneficial interest; but I am obliged so far to advert to them, as to say, that after reading these discussions with great attention, and after having heard more than once in this House from the hon. and learned Member for Exeter, that his opinion as a legislator is the same as that which he urged as an advocate, I cannot agree in his view of the matter and that I abide by the plain and obvious meaning of the words such as would be put upon them by common understandings in the ordinary intercourse of life. The terms "beneficial interest" are large enough to include the interest of the farmer, who takes land even at a rack rent, because if it was not beneficial to him, he would not take it. Then the remaining question is, as to the circumstances in which the occupants' interest may be considered as of 10*l.* value within the year; and it seems to me that if the annual produce and increase of his farm be such as to leave him 10*l.* after paying his rent, and all the expenses of cultivation, including the wear and tear of implements, and the ordinary rate of interest upon any capital laid out; if, in short, the farmer's profit be 10*l.*, it is clearly sufficient to satisfy the words of a statute, which having for its declared object the extension of the franchise, ought to be construed liberally. It is said, that the beneficial interest must be measured in money, and by what it will bring in the market. Well, you have it in money; the farmer takes his produce and his stock to market, and he sells them for gold and silver, for hard coin, which he puts into his chest—one portion he applies in payment of his rent, another repays him for the expenses of cultivation, and the remainder is his profit, and the measure of the value he has got for his interest in the land. The rule laid down by the Bedfordshire committee, even if it should be recognised, for the valuation of a freehold, is not applicable as the measure of the beneficial interest: because the freehold may be, and under the existing system of landlord and tenant, is most frequently understood to be separated from the occupation: but the beneficial interest of the farmer implies occupation: and upon any general view of the subject, is inconsistent with the supposition of its being separated from the occupation, and let a second time to an under-tenant for a new rent, so as to make the farmer a subordinate landlord. That it would save a great deal of trouble, both to returning officers and to judges, to be relieved from the necessity of entering into evidence as to the farmers' profits, and to make use of a more palpable criterion there can be no doubt. But the question is not to be determined by such considerations of convenience. If the Legislature has established a franchise which is inconvenient, or even which has a tendency to produce perjury, the remedy ought not to be sought in any strained construction of the statute, but in a new act of the Legislature. Upon the best consideration, therefore, which I am able to give to the question, I am obliged to say, as a Member of this House, that the construction which has been put upon this part of the Irish Reform Act, by ten out of the twelve judges in Ireland, appears to me to be an erroneous one. But this is not the only misfortune. The hon. Member for Coleraine has informed us, that the point having been reserved by the Chief

Justice of the Queen's Bench, for the consideration of the twelve judges; and the judges having been assembled, and the matter having been formally argued before them, and a decision having been made by ten judges against two, the dispute ought to have been regarded as settled, just as much, and for the same reasons, as any doubtful point of crown law which has been reserved on circuit, to be argued before the twelve judges of England: but that to his surprise, the two judges who were in the minority do not acquiesce in that view of the matter: that one of them has given a fresh decision in opposition to the majority of the judges, and that his authority and example has been followed, or is likely to be followed by some of the assistant barristers. These are untoward circumstances which, the hon. Member for Coleraine says, the bill of the noble Lord is intended to correct, and will correct, and unless I am mistaken, the hon. and learned Member for Exeter, stated on a former night, that he gave the bill his support for nearly the same reasons; but it is mainly upon this ground that I found my second objection to the whole body and purpose of the bill. I think that the two judges who differed from their brethren have been right in their construction of the statute, and that the attempt to refer the point to the twelve Judges, and to set up the opinion of the majority as the judgment of an authoritative tribunal was an injudicious proceeding, and one of very hazardous consequence. The hon. Member for Coleraine says it is exactly the same thing as the reservation of a point of Crown law, but to me it appears to be very different. That is an established usage—this is an innovation—the whole province of criminal law is entirely within the jurisdiction and in the hands of the Judges. But on all questions as to the right of voting at elections of Members of Parliament, the ultimate decision is by this House, or by a Committee of its Members, and I should have thought that what has recently taken place, what we have all witnessed at the bar of this House would have made the hon. Member for Coleraine alive to the inconvenience of any irregular interference with such matters. It is no light thing to claim upon untenable grounds a right for the twelve judges to overrule the decisions of this House or even to forestall them. It may be very convenient and perfectly right for the judges to communicate amongst themselves their several opinions for the purposes merely of mutual information, but when it is claimed that the twelve judges may form themselves into an authoritative tribunal, in cases of election law in which the statute has given authority only to the judges of assize separately, it is interposing a new and self-created tribunal between the judge of assize and the committees of this House, and you run the risk of bringing Committees into collision with the twelve judges. Nay, this deplorable result could scarcely be avoided if the claim should be persisted in for the opinions of the majority of the judges seem to be in direct opposition to the decision of the Committee in the Longford case. Whether the present bill, therefore, is to be considered as sanctioning the claim of authority in this matter for the ten judges, or as leaving their decision to work its own effect on the minds of the assistant-barristers, I am opposed to it as tending to perpetuate a condition of franchise in Ireland which ought not to be permanent, and as countenancing an interpretation of the Irish Reform Act which I believe to be erroneous, and as permitting an assumption of authority which cannot be justified, and which has a direct tendency to very inconvenient and dangerous consequences. I have other objections to the bill, but, of themselves, they would not have induced me to vote against its going into commitee. Of these I will only say, at present, that the bill appears to me to present more obstacles than are necessary or fitting to the registration of poor voters; and, I think, the noble Lord must have overlooked the difficulty and inconvenience in which they would be placed. The first clause sweeps away at once the whole existing registry, and to deny the consequences which would result seems to me very much as if some one was to walk into a house full of inmates, and to say to them, "Gentlemen, I don't mean to put you to the slightest inconvenience, but, in the first place, every man of you must go into the street; I wish then to put some bars and a new lock upon the outer door, and to make a few alterations in the entrance hall, after which it will give me great pleasure to see as many of you as may be able to find their way up stairs."

Mr. *Thesiger* said, that after three nights of unrestrained discussion upon the bill before the House, he confessed it did astonish him to hear the speech which had just been delivered by the hon. and learned Gentleman opposite. After the character and objects of the bill had been, as he should have thought, fully understood, he was not a little surprised to hear a speech professedly delivered upon the principle of the bill, yet betraying on the part of the hon. and learned Member by whom it was pronounced, the grossest misapprehension as to what really was involved in that principle. There were, he believed, but two points in the speech of the hon. and learned Member opposite, which were not entirely irrelevant to the subject matter of the discussion. He desired to be informed what they had to do on the present occasion with the inequality subsisting between the English and the Irish franchise, or what they had to do with the existence or the abolition of the 40*s.* freeholders, or with the beneficial interests of the electors, or with the decision of the judges upon that subject. These were matters not involved in the present inquiry, and with them the bill did not profess to deal. Now, to him it appeared that nothing could be more unprofitable than for hon. Members to invite discussion upon subjects so totally foreign to the real question before them. It was a waste of time to provoke answers to irrelevant arguments, and most unfair towards the supporters of the bill, should they take no notice of such arguments, to assume that they were unable to render any sufficient reply. Entertaining these views, then, he should certainly not follow the hon. and learned Gentleman through the observations which he had thought it right to address to the House, but on the contrary, he should rather endeavour to bring the attention of hon. Members to that which really ought to form the object of their consideration. He proposed to confine himself closely to the principle of the measure, to consider the objections which had been urged against it, and respectfully to give such answers as it appeared to him those objections deserved. At the present stage of the debate it was extremely difficult to avoid going over the same ground that other Members had travelled, and in doing so he need hardly observe, that there was great hazard of effacing the impression that they might have made. The question upon which the House had now to pronounce a decision was one which, in an especial degree, demanded, at their hands, a calm and temperate examination. He should, therefore, take all possible pains to avoid any topic calculated to occasion the least feeling of irritation or discontent; but he was bound, nevertheless, in discharging the duty which he owed to his constituents and to the country, frankly to express the sentiments to which the present discussion necessarily gave rise. He confessed himself one of those who looked forward to the speech of the hon. and learned Solicitor-general with great expectations as to its effect. He admitted the great talent, the indefatigable industry of that hon. and learned Gentleman, and he was sure the House would agree with him when he said, that the bent of that hon. and learned Gentleman's mind led him to investigate thoroughly every subject with which he had occasion to grapple. For these reasons he did expect to see the hon. and learned Gentleman fully prepared to discuss the question then before the House. Every one present naturally expected to hear him state the real objections to the measure, they having looked to hearing them from preceding speakers, and looked in vain. The highest expectations had been formed with respect to that address, and he must be permitted to say, that those expectations had ended in the most complete disappointment. From the commencement to the conclusion of that speech, not one substantial objection had been raised to the principle of the bill, and yet the principle of the bill was the only matter with which the House had to deal. The hon. and learned Gentleman had recommended the Government to introduce a bill themselves upon the subject calculated to secure the support and approbation of certain parties out of doors, to frame it without the least reference to the probability of its receiving the sanction of the other House of Parliament, and assuming it to be there rejected, he recommended them to go to the country, and appeal to the constituency of the united kingdom by a dissolution of Parliament. To some it might appear, that that was a very easy and a very cheap mode of earning popularity; but he must be allowed to say, that, in his opinion, it would be paying for it a most hazardous price. He acknowledged that he felt sufficient reliance upon the characters of the Members of her Majesty's Government, as gentlemen and as statesmen, to believe that they would not have recourse to any such *ad captandum* legislation. It had been said, that the effect of the present measure would be to impair the efficacy of the Reform Act; but he professed himself utterly unable to comprehend in what sense of the terms it could by any possibility have such an effect; for it neither extended nor did it reduce the franchise—it interfered in no respect with the essence or with the foundation of the elective right. It left the rights and franchises of the elector precisely where it found them, and merely proposed to alter and improve the mode in which the title to the franchise was ascertained. He was unable, then, to understand how such a measure could be called a bill of pains and penalties. It might be perfectly true that the opponents of the measure did not impute to its promoters any intention of encroaching upon the liberties of the people, but they said this—wait for some better opportunity than the present, and then introduce a general measure of which the provisions of this bill might form a part. It was difficult to avoid being struck with the suspicious time at which this proposal had been made, and the absence of explanation on that point was not calculated to increase confidence. He wanted to know how any measure of registration intended for the united kingdom could be comprehended in one bill? How could the provisions necessary for such a purpose be confined within the four corners of one Act of Parliament? In Scotland the title to the franchise was ascertained, and the business of registration was conducted, in a manner wholly different from the practice which prevailed in Ireland, and both were dissimilar to the management of those affairs in England. It was evident, then, that if any such change as that which had been spoken of were to take place they must have three separate bills, and if that were to be the case, why might not the present measure form part of them? Was there not sufficient in the bill then before the House to form the foundation of a scheme of general registration. The hon. and learned Solicitor-general had denied, that the bill of the noble Lord, the Member for North Lancashire, did contain a provision, as its supporters affirmed it did, for bringing the registration courts home to the doors of the electors. The hon. and learned Gentleman did not go the length of asserting that the framer of the bill had not read his own measure, but he hinted pretty broadly that he did not quite understand its scope and effect. That was a remark which recoiled upon the hon. and learned Gentleman himself in a manner the most ludicrous. Hon. Members must see on examining the bill that it made an improvement upon the old system by adding benefits which the elector had been previously unable to obtain. By the 36th section of the bill it would be seen that the assistant-barristers were authorised to adjourn from one time to another, and from one place to another, as they might consider convenient; the limitation was to places within the county or town for which the registration was held, that no adjourned court should be held after the 20th of October in any year, according to the 17th section, that notice should be given at the time and the place at which such courts were to be held, and further, that such places should always include those at which quarter sessions were usually held. The 18th section gave power to the Lord-lieutenant, on the requisition of a certain number of the magistrates of a county or of a town, to appoint other permanent places for holding registration courts in addition to those at which quarter sessions were usually held. The assistant-barrister could have no difficulty in accomplishing all that the bill required of him, for after the 10th of August he would give sufficient notice of the places to which he proposed to adjourn during his intended sittings between the 10th of September and the 20th of October. In his opinion, there had been much misapprehension about this part of the bill. If it passed into a law, it would prove a great benefit and accommodation to the people of Ireland. The hon. and learned Gentleman had mentioned another objection, he had adverted to the registration of voters here, and said there were generally two parties who took considerable interest in the registration, and who were likely, therefore, to assist the different voters in obtaining the English franchise; but he had painted a most melancholy picture of a solitary independent voter, who received no encouragement from either party, and who had the trouble and great expense of travelling far to obtain the registration of his own vote without being assisted by any one. Where such an extraordinary being was to be met with, he (Mr. Thesiger) was at a loss to conceive. That there should be such an individual in the registration of whose vote no person took any interest, he could hardly believe; but, even if there were, it must be remembered, that our laws were made for the many, and not for the few. He must confess, it appeared to him, that if the suggestion of the hon. and learned gentleman were correct, it could not have any bearing on this particular subject. Hon. Gentlemen opposite, admitted, that the octennial system was full of inconvenience, and gave rise to fraud and perjury. Now, this bill proposed to amend and alter that—to stop the floodgates by which the legitimate constituency was likely to be overwhelmed. He asked them, then, why they objected to this bill? Why they who called for annual registration in 1832, and repeated that call year after year, now for the first time should say it was objectionable, and apply their objections to this particular system only? It must be because it was introduced by the noble Lord. The hon. and learned Solicitor-general adverting to the evils of the system, would, if he had turned the attention of his acute mind closely to the subject, have discovered how the evils originated, and how necessary it was to apply a particular remedy, which had been called for even by the hon. and learned Member for Dublin himself. Could any hon. Member doubt, that if no system of registration had existed in Ireland at the time of the Reform Bill, the system to be established there, would have been assimilated to that which was established in England and Scotland, and that there would have been an annual scrutiny of votes? The hon. and learned Member for Dublin, whom he did not then see in his place, had foreseen the evils that would arise from the present system, and had suggested a remedy; and it said something for the acuteness and foresight of that hon. and learned Member, that all the evils he had foreseen, had actually occurred, and cried aloud for the particular remedy which was now proposed by the noble Lord, the Member for North Lancashire. What answer had been given to the proposal of the noble Lord, that there should be a double appeal? Had any hon. Member on the other side, ventured to say, that the appeal ought to be one way only, and that there should be no opportunity of correcting the registration list when persons had been improperly admitted to vote? And let this be borne in mind, that they never could consider this question properly without regarding the impression there was on the minds of many hon. Members that the Irish registration lists could not be opened by a Committee of the House of Commons, and therefore a person once on the list, was entitled to remain there for eight years, whatever might be the defect in his right to the elective franchise. He considered the English franchise as the interest and right of every person within the particular place in which the constituency existed, and that the intrusion of any improper person on the registration lists, was an injury to the whole constituency, against which they had a right to appeal. That principle was admitted by hon. Members opposite, when the Reform Bill was passed. The question whether that appeal should be to the judges or not, was a question which ought not to be discussed on the present occasion; it was one of detail, and ought to be reserved for consideration in the Committee. The only principle which the House had to consider, was, whether there should be an appeal on one side or both sides, as well against the admission as against the rejection. And he called upon the House to consider the position in which they would place the constituencies of Ireland if they prevented this bill going into Committee—that they would thereby permit the intrusion on the registration list of any person, however feeble might be his right to the elective franchise. To those who thought that the registration lists ought to be opened, and that a Committee of this House should have the power of doing it, he would, in referring them to the provisions it contained, appeal for their sanction of this measure; and he would remind them of the enormous expense of resorting to a Committee of the House of Commons, for the purpose of purging the register. Certainly the hon. and learned Member for Dublin had said, it was provided by Act of Parliament, that if any Member of the Committee believed that the matters in question might be investigated more conveniently nearer home, a commission might issue; but was not the remedy infinitely worse than the evil? The commissioners were mere ciphers, and had no power to prevent any question being put which any person might think proper to put, in order to delay the proceedings. He would, as an example of this, refer hon. Members to the Drogheda commission in 819, in which it would be found that inquiries were made with respect to the Lord-lieutenant and his establishment, and, the whole of the state affairs of the Castle having been rnsacked, the different courts were then inquired into, the commissioners themselves having no power to do anything but to take the questions and answers and put them in the rejected sheet. The hon. and learned Member for Dublin would remember how that commission had been protracted to the extraordinary term of ten months, by the course of those who were the representatives there of the hon. and learned Member refusing to take the admissions of many persons. The report of that commission consisted of about twenty volumes, four or five of which contained nothing but rejected evidence, which the hon. and learned Member was himself afterwards obliged to make use of. Could it be said, then, that with such a system it was any advantage to a person who was compelled to petition the House of Commons? What then was the answer to the provisions which the noble Lord proposed for the existing evils? The hon. Member for Cork said, he preferred an annual registration. He had, therefore, no doubt, that that hon. Member would vote for this bill. No one had ventured to say there should be a double appeal. How, then, could they refuse to go into Committee on a bill which embraced that important principle? Was there any part of the provisions of the bill that had been fairly met by argument on the other side? Let the House then go into Committee, and cordially co-operate to make the system of registration as perfect as possible. Why should they object to do so; for it must be admitted, that the principle of the bill had not been in the slightest degree assailed by hon. Members opposite?

Mr. *O'Connell*: Instead of feeling annoyed at the unnecessary allegation of a fact by the hon. and learned Gentleman (Mr. Thesiger), which, if I thought it necessary, I could show to be different, I am ready to concede to him that he has made out a case, to a certain extent, in his attempt to prove, that this bill is favourable to Members, and to persons petitioning. It is equally advantageous to the 50*l.* freeholder and to the clergy of the Established Church. It is a good bill for the clergy; it is a good bill for the 50*l.* freeholder; it is a good bill for those who have obtained seats, or those who struggle for them; but it would be hard to show that it is a good bill for the poorer classes. Sir, the noble Lord under whose patronage this bill was introduced, exhibited last night a good deal of his excellent resentment against me. He threw it completely away. From the state of the House at present; from the open hostility of the enemies of Ireland, and the lukewarm zeal of her friends, I have no fear that I am safe in adjourning any retaliation I may be disposed to make on the noble Lord's vituperative attacks to another discussion. I think it obvious that we shall have opportunities enough of carrying on our disputes before the forty clauses of this bill are disposed of in the Committee. I, therefore, adjourn the quarrel to some future occasion. Before I proceed I must take notice of one quotation which the noble Lord has made. The noble Lord has made a statement, attributed to me, out of the *Mirror of Parliament*, which he read correctly, and in which it is alleged that I favoured the 10*l.* franchise in counties. The noble Lord states his recollection of the matter being canvassed in 1832, and he says I have changed my opinion since that period. Now, I wish just to tell him, that in 1832 that passage was quoted against me by the noble Lord's Solicitor-general, and I said it was arrant nonsense. To be sure, that was not conclusive of my not having uttered it; but I ventured to show Mr. Crampton, who was not very remarkable for his candour, that it was wholly unintelligible, and was a mistake of the reporter, which he might have naturally fallen into, from not having the Act of Parliament before him. I also asked Mr. Crampton whether he was prepared to deny the accuracy of my recollection of what I had really stated. His answer was, "I have no recollection of the circumstance; but I make my statement from the records of the period." I asserted in a more solemn manner than, perhaps, was necessary, that the passage had been misstated; but here, again, it is brought up in judgment against me. I do not blame the noble Lord for not recollecting these details, but I hope he will not quote this passage again without bearing in mind the contradiction I gave it in 1832. At all events, this explanation disembarrasses the discussion of that point. One remark more before I go into the merits of the case between the noble Lord and me. He accuses me of having unjustly and untruly

—I don't mean with any want of courtesy —alleged that no franchises were annihilated in England, and he maintains that there were several. The noble Lord instanced the burgage tenure. Not being a lawyer, it was not difficult for him to fall into this error; but if he looks to the 31st clause of the Reform Act, he will find it gives the franchise to such persons without reference to value or occupation. He also stated that the freemen's franchise was annihilated, whereas it remained, the non-residents only being disqualified. I am glad I have got rid of these preliminaries. [Lord *Stanley:* Where do you leave the potwallopers and scot and lot voters?] I'll show on a future occasion the amount and nature of that loss. I prefer now, if the noble Lord will consent, going on with an examination of the merits of this bill. I denounce this bill as one for annihilating the franchise under the pretence of revising it. How is that to be effected? By unnecessary trouble—by multiplied vexation—by enormous expense—by the hazard of costs—by inducing a repetition of the landlord's power of intimidation and persecution—by throwing every obstacle in the way of the electors' registration—in short, by a dissolution of all the powers with which the oppressor can harass the victim of his wrath, and of all the authority which wealth can exercise over comparative poverty. Who will take up this bill and deny that these are its characteristics? The hon. Member for Halifax seems to disapprove of every material section in it. He is not even satisfied with its title, and yet he votes for going into Committee. He is like the man who denied that his knife was a new one, though he had changed both the blade and handle. He disapproves of all the details, and yet votes for the entire bill. There are some English Gentlemen here who are ignorant of the machinery by which the franchise is opposed in Ireland. They do not know the extreme lengths to which some persons go to prevent the people from registering. There are two documents I wish the House to attend to. They will show the obstacles which the Irish electors have to contend with. The first of these is the circular of Mr. Nettles, who, it was said, last night bore an apposite name. This is the letter:—

"Nettleville, March 25, 1839.

"SIR,—I have been directed to state to you, that the person whose name is mentioned on the other side, has served notice to re-register his vote at the ensuing Cork sessions, which will commence on the 1st of April. As our being able to return Conservative members for this county, entirely depends on our preventing the re-registry of our own tenants, the committee trust that you will exert yourself to effect that desirable object, and that you will have the goodness to inform me as soon as possible whether his certificate has been forwarded to our opponents, or any authority given to produce it at the sessions, as in such case it will be necessary for us to have a notice served on him requiring his presence at these sessions, where, if he does not appear, the re-registry cannot take place,

"I remain, Sir,
"Your obedient servant,
"ROB. NETTLES, Hon. Dist. Sec."

Do you understand now, gentlemen of England, the position to which the Irish claimant is reduced? I will give another Conservative specimen, and I venture to say that no English gentleman would treat voters thus. This is the report of the quarter session in Westmeath, January, 1840:—

"COUNTY WESTMEATH—THE FRANCHISE.—At the quarter sessions for this county, which have just closed, there were notices served for upwards of five hundred persons as claimants to register, yet, between Moate and Mullingar, the two divisions where the sessions were held, only about one hundred answered. Of those the numbers registered were—at Moate, fifty-two Liberals, six Conservatives; at Mullingar, eleven Liberals, five Conservatives; and this result affords not an unfair criterion to estimate the relative force of each party in the county. Yet is there a permanent staff of paid witnesses, who attend at every sessions against the liberal claimants, as counsel and agent to oppose them at the Moate sessions. One of these witnesses, William Bell, a frieze-coated countryman, was called to disprove the qualification of Thomas Brennan, of Rosemount (Brennan being a tenant of Sir Richard Nagle), and Bell having upon his direct examination deposed to the acreable value of the holding, far below the amount stated on the part of Brennan, and who Bell admitted to be a respectable and faith-worthy man, the following facts appeared, upon cross-examination by Mr. Plunkett, counsel;—

"Pray, Bell, what other source of income or livelihood have you beside the farm you hold?

"Bell—I have an annuity.

"Counsel—An annuity! Is it a rent charge—who pays it?

"Bell—The Conservative gentlemen of the county.

"Counsel—What amount?

"Bell—Forty pounds a-year.

"Counsel—For what?

"Bell—For this I'm doing — valueing votes.

"In the case of another claimant, 'Cormick of Bracknahoile,' Joseph Murdock, who is also one, or, rather, the chief of the permanent staff, swore that he viewed and valued the claimant's farm; and a Mr. William March deposed that he also had viewed and valued it, and that it was not worth 10*l*. a-year above the rent. Upon cross-examination, and upon confronting Murdock and the claimant, Murdock said—'I viewed what I think to be his farm, but I don't swear positively, because I don't know it.'

"The Barrister—You led me to think, that you knew it, or what did you mean by valuing and viewing the farm of the claimant, if you did not know it?—Let the claimant be admitted.

"Joseph Murdock, William Bell, George Dickson, and George Ronaldson (the last a Scotchman), are our franchise valuators."

Is this the system you are to encourage? Is this the system that incorporates all the honour, all the intelligence, all the religion of the country—but we will come to that presently. He who valued the man's farm upon oath is contradicted upon oath, and then he admits that he only believes—that he does not know of his own knowledge that the value of the farm is that which he had stated upon oath. I read this to show that there shall not be the shadow of excuse for the passing of this bill. I protest against this disfranchisement, in the name and on behalf of the people of Ireland. I protest with as much solemnity as if I was assured that my protest would be received. If you succeed in this disfranchisement, you repeal the Reform Act for Ireland—you repeal the Catholic Emancipation Act, not as relates to the wealthy part of the Roman Catholic population, but as relates to the middle classes. The Irish people bid me tell you, that they impute this bill to two distinct and separate reasons. The first is, a national antipathy to the Irish people. Yes, they say so. They say also, that it has originated in the virulence of malignant bigotry. Now, I am bound to show you upon what grounds they attribute this bill to these causes. If those grounds be satisfactory, you ought to reject this bill; if they are not, my argument goes for nothing. Have they not a right to say there is a national antipathy? Are there not multitudes of those on the other side, and their supporters, who in their speeches, their election tirades, their after-dinner harangues, have expressed themselves in the most vile way of the Irish people? I have a bundle of them here, but I will not disgust myself or the House by reading them. Yes, I say they have expressed themselves thus of the people of Ireland in their election speeches, and their after-dinner harangues, where—*in vino veritas*. Then what say you to your press, your favourite press, your pampered press—wealthy because you patronize it—to the vile *Times* and the rest of that gang. [*Laughter*.] You laugh when I say the "vile *Times*," but was it not that print that designated the priesthood of Ireland "surpliced ruffians," and her population "shoeless and shirtless vagabonds?" Think you the Irish people know not that you receive this foul slander with commendation, and that the press which uttered it is under your protection? Oh! they have reason to say there is a national antipathy. But have they any reason to doubt that the bill is founded on motives of religious bigotry? The hon. Member for Londonderry county spoke the other day in high commendation of a meeting, held on the 2nd of May, at Belfast, and in speaking of the wealth and respectability of the numbers that attended it, selected one individual for his particular praise, and that was Dr. Stewart, a Presbyterian clergyman. Now, on the objection to this bill—that its operation would be unequal as between Protestants and Catholics—that rev. Gentleman admitted that such might be the case, but that it did not arise from the principle of the measure, but from other causes, one of which was, that a greater regard existed among Protestants for their oaths than among Catholics. Does the hon. Gentleman, in the presence of the Catholic gentry who surround him—does he, I say, presume, in the presence of some of the first gentry, to tell me, with miserable bigotry, that the Roman Catholics have no regard for their oaths? Have no Catholics lost advantages and power, and honours? Why, there is not one Roman Catholic, except the young gentleman immediately before me, who has not been excluded from power and dignity for years. The rev. Gentleman further said—

"If a Catholic committed perjury in aid of the Church, it was held to be no perjury: and it was not to be doubted, that when a Catholic was driven by the priest to the registry, or to the hustings, he would act upon the same principle, particularly as he had the priest of the parish to give him absolution at his elbow."

The noble Lord may ask, "How do you bring all this home to me?" I will tell him. Who was the principal orator at the late meeting? The hon. Member for Belfast. And what do you find on the back of this bill? That it is brought in by Lord Stanley, Lord Granville Somerset, and Mr. Emerson Tennent (the hon. Member for Belfast). These names were selected by the noble Lord. Am I wrong in attributing the bill to a spirit of malicious bigotry? Then the noble Lord, the Member for Liverpool, made an eulogium upon the respectability of the signatures to the petition he presented. I have looked at those signatures, and among the foremost I find that of the rev. Hugh M'Neile. The noble Lord went out of his way to praise these petitioners, and said the addresses to the signature were properly given. That petition was adopted at a public meeting, at which the principal orator was the rev. Hugh M'Neile, of Jezebel notoriety. Here is an extract from his speech:—

> "Some of us have been giving warning to this country, for the last ten or twelve years; we have been telling plainly and pretty clearly, that the conscientious members of the Roman Catholic Church are not bindable by an oath administered by heretics. We have been making it plain that perjury is not to be considered a crime, committed by a few individuals belonging to the system, in despite of the system, but that it is a part, a deliberately organised part of the system itself."

And that is what is said of the Roman Catholic religion. This is what was said, in the presence of some of the most accomplished gentry on the face of the earth. This is the petition brought up from such a meeting. This is the petition which the noble Lord, the Member for Liverpool, went out of his way to give us an abstract of. But that is not all. The rev. Gentleman quotes a story, and from that story states that a multitude of perjuries were suggested by the priests at elections. He gave the story in detail; it was met at first with laughter, and ended with long continued shouts of applause. I am told that the Irish people are blunderers, that they do not understand what you are about. The hon. Member for Caithness, amongst the ludicrous capers he thought proper to cut, was at least candid—he called them assassins, and their priests supporters and prompters of perjury. I appeal to all liberal-minded English gentlemen whether they will give their countenance to these atrocious calumniators of the most numerous religious persuasion in the British empire; or, if it be disputed that they are most numerous, at least a very large proportion of the Queen's subjects. I do believe that there is even yet too much attachment to Ireland left in you, or, at least, too much liberality of feeling to allow you to sanction such calumnies. When Mr. M'Neile said there would be no peace as long as the woman Jezebel lived; I do not mean to impute to him that he meant the Queen [*Question!*]. I am speaking to the question—let the followers of Jezebel be silent. It was asserted in the Irish, and in some English newspapers, that the expression was so meant, but I saw the disavowal, and what was that disavowal? He said he meant the Roman Catholic religion! Cheer that. That was the explanation given by the rev. Gentleman who is one of your leaders. I appeal to this House, in the sight of the Catholic multitudes of the Continent, and ask, shall it be said that doctrines of this kind are proclaimed by your leaders, your supporters—those whom you boast of as giving numbers to your petitions. Shall it be said that you countenance men of that stamp? If you do, I envy not your feelings; but this I say, that the people of Ireland are right in believing that malignant bigotry is at the bottom of this bill. I ask the noble Lord, will he venture to bring in such a bill as this for England? When he does, I will believe his sincerity. He never would attempt it. He is a bold man I know; but he is not bold enough to make such an attempt at the liberties of England. No, he reserves his kindness for the people of Ireland. Those who believed that in virulence and injustice there was a binding power, and a strength to unite, might vote for the bill if they pleased. England and Ireland had now been united forty years. Did not the union give the people of Ireland rights? Did it not give them a claim to equality of rights with the people of England? For twenty-nine years of the union, the people of Ireland had been compelled to struggle for religious equality. For twenty-three years of the union the constitution was suspended. The people of Ireland assisted the people of England in obtaining the Reform Bill. How were they treated? Did they obtain the same franchise as the people of England? By no means. Their franchise was more limited; and now it was sought to contract it further. The rural population of Ireland amounted to 7,000,000—the registered electors of the whole kingdom amounted only to 60,607. This was of importance—a matter that could not be thrown over lightly. Before the Reform Bill, up to January, 1829, the electors of Ireland numbered 216,871, being in the proportion of one to thirty-five to the whole population, whereas at the present moment the proportion of electors to the whole population was only one to 117. Compare the proportion of electors in Ireland to the proportion of voters in any of the counties in England, and mark the difference. In the whole of Ireland there were only 60,600 electors, whilst in one riding of Yorkshire alone there were 33,000, being five per cent. more than one half of the registered electors of Ireland. How, then, could the noble Lord (Lord Stanley) talk of swamping the constituency of Ireland? He asked was this a union? Were these the rights of a union? Was not this a case calling upon the Legislature to give up every other labour until it had commenced and completed that which should be a labour of love, the placing the people of Ireland on an equal footing with the people of England. What was the principle of this bill? asked the hon. and learned Gentleman. The Legislature might pay no regard to the inferiority of Ireland, it might pay no attention to that which made the iron enter into the souls of Irishmen, though it had not yet ground them down to be slaves; but was it thought that the number of electors in Ireland was too many? He had shown that the number for the whole country did not exceed double the number of a single riding of the county of York. What, then, became of the noble Lord's allegation that the real and sound constituency of Ireland had been swamped by fraudulent and perjured voters? It was said, that much fraud and great perjury was committed under the existing system; and the noble Lord (Lord Stanley) read letters that he had received, describing undue registries. The noble Lord stated this fact about Stephens—that he registered in October, 1832—that, consequently, his registration and his certificate would last till October next—that, notwithstanding that fact, in March last he came in before the assistant barrister with his certificate, and got a renewal of it for eight years, although his title expired that very hour. He did not accuse the noble Lord of suppressing a fact, but he blamed him for not being more cautious of his correspondents. He had looked into the case of Stephens, and found it to be this: Stephens was a tenant of the Marquess of Lansdowne, and a Protestant; he came forward at the sessions to register, and when the barristers told him that his former lease had expired, he showed a letter from Mr. Robert Franks, the agent of the Marquess of Lansdowne, giving him a fresh term at the original rent. Let it be remembered that there was a clause in the Reform Bill expressly providing for cases of this description, a clause in which it was distinctly stated that any renewal or new lease should be considered as a continuation of the same qualification. Who was the assistant barrister who admitted the claim of Stephens to be placed in the register? Mr. Blacker. This then showed what credit was to be placed in letters which came upon a sudden, and were intended to serve a particular purpose. He wished the House not to be led away by statements of this description—statements that were not authenticated, and which, upon investigation, in nine cases out of ten turned out to be without foundation. It was said, that the object of the present bill was to prevent fraud and perjury, and that the object of those who opposed it was to preserve and perpetrate those evils. A committee of the House upon fictitious votes in Ireland sat nearly two years ago, but it gave no report. Why? Because a case of fictitious votes was not made out. Occasional errors might be discovered in every system; but anything like a systematic creation of fictitious votes was never discovered in Ireland. How different was the case in Scotland! There was a committee to enquire into the fictitious votes in that country. That committee made a report, and their report showed fiction and fraud to an extent that was horrifying. Four hundred votes were manufactured upon one small property, without a shilling being paid in the way of rent or annuity. Eight hundred votes were manufactured upon another small property. In short, the system in Scotland appeared to be general and most extensive. Why did not the noble Lord try his hand upon Scotland? To be sure it was easier to attack Ireland. Scotland had friends, and true friends. Ireland had enemies—hearty and haughty enemies. The hon. baronet, the Member for Caithness (Sir G. Sinclair) talked of fictitious votes in Ireland—why did he not look at Scotland? There was high authority for this recommendation—"Hypocrite, first take the beam out of thine own eye, then mayst thou see clearly to take the mote out of thy brother's eye." Then the noble Lord talked about the frauds committed upon certificates. He admitted that the facility was great and that frauds had been committed. But was not the noble Lord cautioned that it would be so? Had he proposed the certificates? No; he opposed them, and showed the facilities which they would open to fraud and perjury. The noble Lord, however, overruled the whole of his objections to the certificates; and having succeeded in introducing them, the noble Lord now availed himself of the evil which he had originated as an engine to operate against the franchise in Ireland. Was that fair? When the noble Lord was asked to give the same system of registration to Ireland as had been established in England, his answer was brief but distinct: "I cannot consent to introduce the English system of registration into Ireland as long as doubts exist as to whether it will work well in England." The noble Lord had now found out that the system worked badly in England, and thereupon he proposed to introduce it into Ireland. Oh! if it had worked well in England, it would have been long enough before Ireland got it. But it had worked for evil, and therefore Ireland was to have it. When he (Mr. O'Connell) pressed upon the noble Lord his objections to the certificates, the noble Lord gave him an answer which was not distinguished by his ordinary modesty and diffidence. "The subject," said the noble Lord, "has undergone a great deal of discussion out of the House, and I feel perfectly satisfied it is the best plan that can be adopted." That was the whole of the noble Lord's reply, curt, certainly, he would not say contumelious, but brief enough. The noble Lord was "perfectly satisfied." He had never known the noble Lord come forward with any proposition upon which he was not "perfectly satisfied." The noble Lord overruled his objections by an overwhelming majority, and this "best possible plan" was adopted. But now the noble Lord came forward and sought to avail himself of the mischief of his own creation, as an instrument to contract, if not to extinguish the franchise in Ireland. Nobody had suffered more from the abuse of the certificates than he had. He admitted that a remedy was required, but not such a remedy as that proposed by the noble Lord. The way in which he would deal with the evil, would be to pass a short bill to do away with the certificates. That would be one remedy, but there was another. Extend and define the franchise in Ireland as it was extended and defined in England. Give to the people of Ireland the same franchise as was given to the people of England, and let them have the same proportion of voters. With respect to the decision upon the question of "beneficial interest," at the present moment the judges, if divided by political feelings, would be six to six; for there was another Liberal judge who would vote with the five on the former decision. Yes, he would call it voting, for it was putting that to the vote for which the statute gave them no jurisdiction. Why did he go into this argument? Simply to show that it was a question capable of being decided by the judges either way, depending upon the political bias, and certainly upon the individual opinion of individual judges. Therefore, it was idle for hon. Members to talk of this being a settled question. If ever there was a *vexata questio*, this was one. What he wanted was, that the House of Commons, which was the proper tribunal for judging of the franchise, should settle it. He wanted the noble Lord to give the same franchise as the Reform Bill intended to give. Upon this subject he should move an instruction to the committee to give as full a franchise to the people of Ireland as was given to the people of England. In fine, this was a bill proceeding from the worst motives. He spoke not of persons in that House, but of persons out of it. It would not be Parliamentary to impute motives to hon. Members. It was a bill proceeding from a spirit most hostile to Ireland. It was a bill widening the space that at present separated the Irish from the English people, and enlarging and aggravating the distinction now existing between them. It was a bill that branded upon the Irish nation the name of slave. It was a bill, in short, to transfer power, and to extinguish the liberal representation of the people of Ireland, and lay them bound hand and foot at the mercy of the Tories. The noble Lord called himself a great reformer, and accordingly he brought in this bill, and yet he took care to forget the only great source of fraud on the Irish registry; namely, the freemen. They were preferred in everything, and yet the greatest abuses existed in the nomination of freemen. Every species of deception was practised to get the names of men on the register as freemen. Men, notoriously born of English parents, and in England, had been passed off as the sons of freemen, in Dublin, and registered as entitled to their freedom. There was lately in Dublin, the case of a person who was represented as the relative of a person named Latt, of the city of Dublin, and registered as a freeman by birth, who was born of English parents, in England, and whose real name was Coulson. The noble Lord, however, proposed to retain this wholesale system of manufacturing votes. If it were not too late, he would show the House that this fabrication of votes extended to the amount of thousands in the city of Dublin alone. No man could get his freedom in the city unless the corporation chose it. Before the Reform Bill, they considered birth or service as the two modes entitling persons to their freedom. A title by marriage was never heard of until after the Reform Bill. But then they said that marriage was a new right conferred by the Reform Bill, and accordingly the son-in-law—that was the husband of the daughter of a freeman—was entitled to be admitted to his freedom. Did the noble Lord come forward and require that the freeman should be examined upon oath as to his title, in the same manner as was required from the unfortunate householder. But he would do the noble Lord this justice; he did not believe that the noble Lord had ever heard of this part of the subject before or understood it now. At all events, the bill of the noble Lord provided no remedy for this evil. In the cases proposed to be met by the noble Lord's bill, the utmost fraud that could be committed was an over-estimate of the value of the premises claimed by the voter, and the only question would be whether one person had formed too low or too high an estimate of that value, the fraud consisting in giving a higher value than the property was really worth. Now, he would appeal to the hon. and learned Member for Ripon (Sir Edward Sugden), from his professional experience in the courts of equity, whether he ever knew a subject upon which there was more contradictory swearing than upon the subject of value. And yet all this battling was going on upon this question of surveying in order to ascertain the franchise. If the temptation to over-estimate the value was considered too great, why did not the noble Lord increase the franchise. In order to take from the people the temptation to be dishonest, let the noble Lord lessen the value of the vote. By this means, he would be accomplishing two things; he would do away with the temptation to perjury, and would be increasing the elective power of the people, which was now too stringently curtailed. This bill was favoured by accidental circumstances. The noble Lord had somebody's luck besides his own. ["*Name.*"] Oh, you know him very well. He could read to the House from the history of Ireland's wrongs, page after page, proofs of the deepest treachery, of the blackest ingratitude, of the grossest violation of treaties that could distress a Government or impoverish and crush a people. But he would once more call on the House—though he might call in vain—to do towards Ireland that which they would do to England. If they wanted assimilation of the laws, let it be so. But he exhorted them, at their peril, not to attempt to do that towards Ireland which they would not dare do towards England.

Sir *R. Peel* said, he should occupy the attention of the House for a very short time. He did not intend to enter upon any consideration of the clauses of the bill, for the whole progress of the debate had convinced him that it was a wise rule and practice of the House which reserved the consideration of the separate clauses for Committee. Four-fifths of the present debate had turned on details, and not on the great question really before the House—whether any attempt should be made to improve the system of Irish registration. There were two alternatives before the House—either to attempt to reform the admitted evils of the present Irish registration, or to postpone indefinitely, if not absolutely abandon the attempt, as suggested by her Majesty's Government.

He had a strong conviction that the decision of the House to-night, would be in favour of the endeavour to cure admitted evils; and his reliance was not placed on the strength of party connexion, but upon that portion of the House who had proved by their absence on a former occasion their conscientious feeling that this attempt ought to be made, and he did hope that they would have the courage and firmness to resist the appeals which had been made to them to assist in revoking the decision to which the House had already come on this measure. They had the example of a noble Lord and the hon. Member for Halifax—men whose party prepossessions were decidedly in favour of the Government—who had been friendly to every liberal measure, and who, though they declared they did not approve of many of the provisions of the bill, still expressed their readiness to consider the details in Committee. Now, he asked that portion of the House who had the acuteness to see through the fallacy by which it was attempted to pervert their judgment, and who had the courage to maintain what they felt was the truth, to vote for the proposition of his noble Friend, if they were not resolved and content to permit the Government indefinitely to postpone any remedy for the abuses of Irish registration. He knew the motives of his noble Friend in proposing this measure. [*Hear.*] He knew that his noble Friend had been most unjustly assailed. It was not his belief only, but his perfect assurance and conviction, that his noble Friend did not—[*Loud " hears" stopped the right hon. Baronet in the midst of his sentence.*] This constant interruption he said does not disturb me, but it is exceedingly inconvenient. It does not disturb me, but it makes it difficult for me to be understood. He was stating when he was interrupted, that it was his perfect and intimate conviction that his noble Friend had been most unjustly assailed in regard to his conduct on this occasion. He knew, that his noble Friend never meditated any unfair restriction of the franchise; he knew that his noble Friend recognized, as he did, the principle that there ought to be every facility given for the establishment of the legitimate franchise, but that there ought also to be every obstruction given to the establishment of the corrupt and illegitimate franchise; and that in giving facilities for the establishment of the legitimate franchise, the only check and control ought to be, that you should not open the door for fraud and deception in the atttainment of it. That was the principle on which he was prepared to go into Committee on this bill, and that was the principle on which his noble Friend was prepared to go into Committee upon it. If you can show, said the right hon. Baronet, that restrictions on the franchise are proposed in the bill which can safely be dispensed with, my noble Friend has already intimated his readiness to consider them in detail in the Committee. And is it not evident, that such is the proper course; is it not evident that this is the opinion of the majority of the House? What risk do you run by going into Committee? If you say that you are willing to prevent illegitimate voters enjoying the franchise, but that the objects of my noble Friend are different, do you think, supposing those suspicions to be just, that we have the power to carry out those objects? Then go into Committee, and depend upon it you have the power to place a curb upon any such intention which we may entertain, supposing, for the sake of argument, that your suspicions of our intentions are well-grounded. You object to annual registration and to an appeal to the judges; and the hon. and learned Gentleman, who has just sat down says, that these provisions show such antipathy to his nation, and such religious bigotry, that on that ground alone, he shall refuse to go into Committee. I appeal again to that portion of the House to which I have before referred, whether this is a legitimate argument? I will prove that he who now infers so much of national antipathy and religious bigotry from these provisions so late ago as the year 1835, not only made no such conclusions, but showed no objection to announce his concurrence in those very principles when they happened to be proposed by hon. Gentlemen opposite. In 1835, Sir Michael O'Loghlen brought in a bill to amend the Irish registration. That bill was thus described by the hon. and learned Member for Dublin:—

> " I think there cannot be a greater error than to throw the appointment of the registering barristers into the hands of the judges. It would certainly be best to make the registration for a year, and not to give the House of Commons the power of opening the registry. That will be put an end to by this bill, which gives a final appeal to the judges, and that

removes the possibility of getting seats in the House by means of the false oaths of friends."

What, then, continued the right hon. Baronet, was the complaint in 1835? That committees of the House of Commons did not do justice, that they forgot the sacred obligation of their oaths, and set aside the rights of the electors of Ireland. The hon. and learned Gentleman contended, in 1835, that it would be well to make the registration final, and to give an appeal to the judges. The hon. and learned Gentleman proceeded to say, that the bill would be especially beneficial, as it gave an appeal both ways. That was the hon. and learned Gentleman's opinion in 1835, and yet now, when his (Sir R. Peel's) noble Friend proposed in three of the leading enactments of his bill to prevent the committees of the House of Commons from opening the registry, to give an appeal to the judges, and to establish an annual revision, the hon. and learned Gentleman thought it decent, not to reject the bill, but to urge the House to refuse to go into Committee, because, as he said, he considered the measure pregnant with national antipathy and religious bigotry. He knew that a difference was alleged to exist between this bill and that of 1835 with respect to annual registration and revision. Did Sir Michael O'Loghlen reject with indignation that principle? All that he said was, that he wished that the votes should be good votes, but that if the House did come to the conclusion, that sufficient provision was made for securing that result by his bill, he would not stand against the opinion of the House. That was the manner in which Sir Michael O'Loghlen had spoken of the principle, not only of annual revision, but annual registration. With respect to the evils which the bill was intended to remedy, let the House remember, that for years those evils had been in existence and been complained of; for years had the Government been attempting to eradicate them. Every Gentleman who had spoken, had admitted that the present state of things was indefensible. As the debate had advanced, that it was so had become apparent. So strong was the impression which had been made on all the independent Members of the House of the abuses which existed, of the abuses of the qualification, and of the impossibility of removing fictitious votes from the register, that it was impossible for them not to admit that this system was indefensible. But if hon. Gentlemen thought that annual revision and annual adjudication were not the proper remedies for these evils, still why should they not enter into Committee? As to the appeal to the judges, that question was an open one. If they felt that it was impolitic in the present state of things to throw more political functions upon the judges, and that there ought to be a separate court of appeal composed of persons devoted exclusively to adjudications upon the franchise, still why should they not enter into Committee? If they were not satisfied to give the appeal to the judges, they might establish another tribunal; but do not let them, on pretences of this kind, establish this position, that the abuses of the Irish registration shall be permanently confirmed and supported. The alternative, he said, was this—either to attempt now the removal of those abuses or to consent to its indefinite postponement. Her Majesty's Government said, that they were about to bring in a bill. When did they say that? In fact, the intention had been alluded to on the last occasion in rather indistinct and indefinite terms. The noble Lord was threatened with a schism in his party. He (Sir R. Peel) well remembered the day. The noble Lord consequently threw out some general remarks upon the state of the registry, but he did not say, that he would make the registry to last for more than a year. That was what the noble Lord had thrown out last Session. The Government, therefore, had the whole of the recess to consider their bill. Of the correction of those abuses which the noble Lord last year considered so important, not a word was said at the commencement of the present Session. His noble Friend asked leave to bring in his bill; the noble Lord spoke in reply, and gave notice of his intended opposition to the bill, but never said a word as to the intention of the Government to bring in a bill to remedy those abuses. The second reading took place, and so strong was the opinion of the House in favour of amendment in the registration, that the second reading of the bill was carried by a majority of sixteen; carried, too, by the absence of hon. men who could not be brought to sanction the principle that amendment should not take place. Then it was that the noble Lord found it convenient to give notice of a bill for amending the registration generally, and then it was that the learned Gentleman gave his acknowledgments to the noble Lord for having afforded an excuse to Members in that House to vote against the proposition of his noble Friend. If gratitude were due to the noble Lord, not for his intention to reform the registration, but for his desire to afford an excuse for negativing reform, in that case the proposition could not have been an honest one. And now the reformation of the Irish abuses of registration was to be made contingent on the passing of an English bill; they were not to have the assimilation of the Irish practice to England, but Ministers now found it convenient to propose that which would greatly assimilate the English practice to that of Ireland. He would entreat the House to recollect, if they adopted the bill of the noble Lord, and rejected the present bill, that abuses admitted by the hon. Gentleman who spoke last, and by the noble Lord, must be continued for an indefinite period; for the noble Lord did not say that he intended to propose a measure which would pass both Houses, but that his bill should embody the principles of the Government; not that he would propose such a bill as would pass through the House of Lords, but that he would send up such a bill as the Government approved of, perfectly regardless whether it passed the House of Lords, and if it were altered by the House of Lords, he would reject it in the House of Commons. But what became in the mean time of the Irish abuses of registration? They continued indefinitely. The noble Lord said he would introduce an alteration in the franchise by a separate bill. One of the professed and hollow objections to the present bill of his noble Friend was, that he did not deal with the franchise. It was said there was a doubt about the franchise as to the construction of the beneficial interest; whether it was the value of the property to the tenant, or the value that it would let for to a solvent tenant above the existing rent which the occupier gave for it. His noble Friend did not attempt to solve that question; and one of the objections against his bill was that it made no attempt to settle the disputed question of franchise, but only dealt with the registration. The noble Lord contemplated a bill for reforming the registration; but that did not include the question of franchise. The noble Lord told him he meant to reserve the question of the franchise for a separate bill. He thought the noble Lord pursued a proper course; but if the noble Lord were right in that course, was it possible for any man to admit that the non-dealing with the question of franchise was a fatal objection to the bill of his noble Friend, when it only professed to improve the registration. But these were hollow objections against the bill of his noble Friend. It was from the conviction that an honest and persevering attempt would be made to reform the abuses in the registration that those recollections of national antipathy were conjured up, and that those hollow and frivolous objections were adduced against the bill of his noble Friend. And when did the hon. and learned Gentleman, the Solicitor-general, expect that this bill would pass into a law? The hon. and learned Gentleman said:—

> "He would go on year after year sending up bills to the House of Lords, and remain perfectly indifferent as to the registration;" he said "he expected the House of Lords would reject them—that years would pass before the House of Lords was sufficiently enlightened to adopt them; but the time would come when ultimately the House of Lords would accede to the views of the House of Commons, and pass the Registration Bill."

And when would that be? By the creation of new peers? No; but it would be when the present heirs apparent to the peerage who were now sitting in the House of Commons should have acceded to the peerage in consequence of the extinction of their more bigotted progenitors. He said:—

> "The present heirs apparent having seats in the House of Commons, being deeply imbued with popular impressions, would at some future time get into the House of Lords, and would by the special course of reason intrude new feelings and principles into the House of Lords, and when that happy time should come, then, and not till then, would the noble Lord's Registration Bill pass."

Just let them calculate the period when that would take place? And then, from the total number of heirs apparent that would succeed to the peerage, let them deduct all those heirs apparent that would not be imbued with popular impressions, and they would form some calculation as to when that period would be when they might depend on the House of Lords passing the Registration Bill. In the mean time the Solicitor-general would be perfectly happy in his position. He would say, "I have not attempted practical legislation by the attempt to conciliate opposite opinions; I will persevere in my opposition to this bill." The next time it came on for consideration he had no doubt the hon. and learned Gentleman would have read it. But he would be perfectly content in the mean time to establish the independence and integrity of his own character by steadily persevering in his own opinions, perfectly regardless of their adoption. But would the hon. and learned Gentleman just let him ask him what, in the mean time, would become of Irish registration? Just let him ask those hon. Gentlemen who were less encumbered by party recollections—he saw great alarm at that appeal, but still he must make it, and ask them whether they thought it fair and honest, after the universal admission there had been made, and necessarily made, in that House, of the existence of gross abuses in the registration—whether they thought it decent after the House of Commons on the second reading of the bill had, by a considerable majority, so far adopted the principle as to refer it to a Committee—whether they thought it fair and decent that the House of Commons should revoke that decision, and trust the amendment of Irish registration to a Government which had been making attempts to reform it—ineffectual attempts—for the last seven years, and which now avowed, that it was careless whether it could pass a practical measure, and would be perfectly content indefinitely to postpone this until the House of Lords should not only have acceded to measures for the amendment of the registration, but should have adopted those alterations in the franchise to which they might think it desirable to agree. Had they not heard it admitted that there were gross cases of the abuse of the suffrage? That the same individual might take out an almost indefinite number of certificates; that those certificates held out the temptation to the fabrication of the franchise? Did they know the fact, that there were those cases of fabrication? Did they know the fact, that notices almost innumerable were served, not for the purpose of establishing the vote, but for the purpose of confounding inquiry? Were they not aware of the evidence given before the election committees, and of all the evidence, and all the admissions which had been stated? And was it right that they should abandon the attempt now to reform the registration, and leave it in the hands of Government, which, it appeared, had taken possession of the question, not for the purpose of improvement, but of excluding improvement? His firm belief was, from the intention now announced by her Majesty's Government, that another seven years would pass before there was a hope of improving the Irish registration. Now, let them compare the evils—the evil of indefinite potponement, with the risk which they ran by entering into committee. Was it not evident that the sense of the House was in favour of the principle that facilities should be given to the registration of the real voter, but that obstructions should be thrown in the way of him who had no right to vote? If that were the case, what danger were they in if they went into Committee, if they were safe from anything contrary to that principle? What conclusions would be drawn if they revoked the vote they had formerly given? The bill had been moved for after due notice; his noble Friend who introduced, it fully detailed its objects and provisions in his opening speech; the attendance of hon. Members in the House was full, and the consequence was, that there was the decision of a considerable majority—a majority of sixteen in favour of the principle of the bill. An obstacle of an unusual nature had since been interposed, and it had been asked to discuss the principle again. This had been done; the discussion had produced more admissions of the abuses of the existing system—more admission of the necessity of a reform of them, and yet it was said the result ought to be, that the House of Commons must retract its former decision, and repudiate further inquiry into the details of the bill. He (Sir R. Peel) could not consider such a course of proceeding consistent with the honour and character of the House. Before he sat down, he must answer an appeal which had been made to him by the right hon. Gentleman, the Vice-president of the Board of Trade. He did not know whether the right hon. Gentleman was in his place, but the right hon. Gentleman, in the course of the discussion on the second reading of the bill, appealed to him as the author of, or person who had introduced the Roman Catholic Relief Bill in 1829, and the measures connected with it, and had asked whether he did not think there were portions of the present measure which would be a violation of the compact which had been entered into on that occasion. The measure to which the right hon., the Vice-president of the Board of Trade, referred particularly, was the bill which established the 10*l.* right of voting in Ireland, and annihilated the 40*s.* franchise. In that bill an appeal was given to the judge in favour of the 10*l.* elector rejected by the assistant-barrister, but there was not an appeal given against the admission of the voter. This was the compact which the right hon. Gentleman said had been violated. Now, he (Sir R. Peel) must say, that he had then heard, for the first time, that the regulation of the registration in Ireland, in which abuses were admitted to prevail, could be any violation of a sacred compact. The question now was, whether there were abuses—whether there was a tendency to abuses in the existing system. If there be, then he could not think there was any thing so binding in the former obligations of the statute 10 George 4th, as should prevent the application of a remedy for those abuses. But if he (Sir Robert Peel) had violated a compact there made, he had at least done so under very great authority; for he found two gentlemen, each high in the legal profession—each of the Roman Catholic persuasion—each holding high official stations under her Majesty's Government—each specially bound to take care that Roman Catholic interests were not injuriously affected by a breach of the supposed compact—he found these two Gentlemen had in their measures introduced precisely the same clause in this respect as that which his noble Friend had introduced into the present bill. He found Sir Michael O'Loughlin and Mr. Serjeant Woulfe had made the same proposition as his noble Friend. [" *Question.*"] He was surely speaking to the question. An appeal had been made to him, as to whether he thought faith had been kept with the Roman Catholics—that appeal had been made by a Roman Catholic gentleman, the Vice-president of the Board of Trade, and he should be charged with indecorum if he declined to answer it. He said, therefore, that if he had violated any compact with the Roman Catholic voters, he had at least the authority of two Roman Catholic lawyers of great eminence in their profession, and holding high situations under the Government, for that violation, for in each of the bills which had been introduced on the subject by those hon. and learned Gentlemen, the double appeal was admitted, and they both gave an appeal against the rejection, and an appeal against the admission of a voter, and the bill of Sir M. O'Loughlin gave the second appeal in these words:—

> "If the registering barrister shall adjudge any claimant to be entitled to be registered, it shall be lawful for any person who had opposed such registration, to appeal from such adjudication."

He thought, therefore, he proved the clause to be as much a violation of faith with the Roman Catholic voters as the clause which was contained in the bill of his noble Friend. But, in point of fact, this was a specimen of the frivolous objections to this bill. Could it for one moment be contended, that the regulation of the Irish registration would be a violation of a bill for the removal of the Roman Catholic disabilities? If such objections were to prevail, there would be an end to remedy any abuses, however flagrant. He contended, that if the right hon. Gentleman, the Vice-President of the Board of Trade, held him to that compact, the right hon. Gentleman would admit that he had a right also to bind the right hon. Gentleman by it. He would admit, that the compact was not unilateral—that the obligation was not on one side only. If, therefore, the 10th George 4th, which abolished the 40*s.* and constituted the 10*l.* franchise, was a compact of so sacred a nature that it was impossible now to give an appeal against the admission of voters, he thought the right hon. Gentleman would at least admit, that the franchise fixed by that compact ought not to be interfered with. That franchise—the franchise so recognised by ten out of the twelve Irish Judges —was clearly defined to be a franchise which was determined by the sum a solvent tenant would give to an existing tenant over and above the rent such existing tenant paid to his landlord. Consequently if he (Sir R. Peel) was to be bound as to the minor regulations of that statute, the right hon. Gentleman, the Vice-President of the Board of Trade, and those with whom he acted, were equally bound by it as to the franchise. If the right hon. Gentleman held him to the details of the act, he had no right to say there ought to be a new franchise. But he should never have thought of interposing such an objection to a proposition for the extension of the franchise; he should never have thought of contending that Parliament could not alter the franchise established by the statute 10th George 4th, and he only urged this point to show that hon. Members opposite shrank from this bill—that they did not approach it with objections founded upon reason and justice, but with every frivolous objection that acuteness could discover. He set aside entirely the whole argument as to the present limited franchise in Ireland. He should not enter into the comparison of the population with the number of electors in England and Ireland, for such considerations were wholly beside the present question. If hon. Members opposite thought the franchise in Ireland ought to be extended, let them submit a measure for that purpose. The subject was sufficiently important for a separate measure. The noble Lord, the Secretary for the Colonies, had set them the example of separating the question of the franchise from that of registration, and it was no argument to say, because the Irish franchise was too limited, that, therefore, there should be no improvements made in the mode of registration. If the franchise was too limited, let some hon. Member make a distinct proposition for the extension of the suffrage: if it was thought there ought to be a *5l.* franchise, let it be proposed in a separate bill; but let it not be urged as an argument against the correction of admitted abuses in registration, that the franchise was too limited. Could any man seriously contend, that the proper way to amend the Irish franchise would be by permitting gross abuses in the registration system to continue? He should not dwell further upon the subject. He had promised the House, that he would not enter into details, and he had kept that promise. He had endeavoured to show, that the House could not justly refuse to enter into the consideration of the bill in Committee. He had attempted to show, that in Committee hon. Members opposite could prevent the adoption of any improper provisions, while on the other hand if they did not go into Committee, they had only the prospect of an indefinite postponement of an opportunity to amend and remedy the evils of the present system. The hon. Gentleman who had moved the adjournment upon the present motion had spoken of the necessity of showing kindness and forbearance towards Ireland. He not did mean to contest the propriety of that suggestion, but this he must say, that it was the reverse of kindness to encourage corruption, that it was not kindness to Ireland to permit the real *bonâ fide* voter to have his power in the state paralysed by the admission on to the register of fraudulent and fictitious votes—he must say, that it was not true forbearance towards Ireland to forbear from the suppression of forgery and perjury, and that hon. Members opposite would gain no credit in Ireland—no true credit with every sincere well-wisher to that country if they abdicated the proper functions vested in them to encourage the legitimate franchise, and to discourage fraud in the vain hope of conciliating a false popularity. It had been said, that Ireland had been long kept out of political rights, and that she was now in possession of them. Teach her then to estimate the value of those political prileges—to set a proper price on the real franchise; but let not the Legislature set her the example of encouraging corruption through an unwillingness to incur the clamour and unpopularity so urgently attemped to be excited against the earnest attempt at reformation. In the present case the abuses were clear and admitted. They were admitted by every man who had spoken upon the question. The House was called upon, not to extirpate those abuses, lest in doing so it might seem to act harshly and unkindly toward Ireland, but in his opinion it would be both unkind and unjust not to endeavour to remedy abuses which were so glaring and obvious. Nothing could be more dishonest than to impute to those who aimed at the reformation of an admitted abuse the desire to curtail the franchise in Ireland, and to denounce the intentions of those who aimed at reformation because such reformation would be injurious to the interests of the opposite party.

Viscount *Morpeth* said, that as the right hon. Baronet had begun by assuring the House that he would not trespass long upon their attention—an attention which was always most willingly conceded by the House to the right hon. Baronet—he trusted that he should not so far miscalculate his own position as to trespass upon their time at so late an hour, and at the close of so protracted a debate. He should be less inclined to do so, as he had had abundant opportunities of fully stating his own views upon the subject, and intimating the course which he meant to pursue. He only rose for the purpose of looking at the question in a national and imperial point of view—a point which, in his opinion, had been but feebly and inadequately contemplated by those who spoke upon the opposite side. The hon. Baronet who had just concluded, had come to the discussion late, coy, and reluctant. The right hon. Baronet last night appeared willing to let the debate come to a conclusion without favouring the House with his opinions upon the question, but it would appear to-night that the time had come when he could find no plausible pretext for longer leaving his ally abandoned and deserted by one whose counsels and prudence were needed to support him in the perilous course which he had thought proper to pursue. As the warfare continued, and the Tories were fiercely engaged in the fight, the right hon. Baronet conceived that it was time for the Ulysses of the opposition benches to come to the relief and rescue of their Ajax. There was little doubt that the right hon. Baronet felt a natural conviction of the impropriety of the cause which had been adopted by his more hot and heady ally in plunging into the flood, and dragging his party after him into the turbulent whirlpool of Irish politics. [*Hear and interruption*]. He could assure the House that his own feelings co-operated with it in the desire to shorten the discussion, but as one connected with the Irish Government, he felt he had a right to be heard upon this question. That right he would assert, and if it were now denied to him he would claim it for another evening. The noble mover of the bill and—though to a less extent—the right hon. Gentleman who had last addressed the House, had filled their speeches with references to what had been formerly said and done by persons on the Ministerial side of the House, and on those grounds had availed themselves of opportunities for indulging in no few taunts. Now the bill before the House, by the very showing of hon. Gentlemen opposite, and as illustrated by their own speeches, was a selection of all that was arbitrary, coercive, and disfranchising in every previous bill which had been brought in upon this subject. Every thing coercive was selected from old Irish bills here, from new Scotch bills there, and stringent English bills elsewhere. It reminded him of the painter who, wishing to draw a perfect picture of female loveliness, selected some particular beauty from every contemporary perfection, only that the attempt was one of attempting, by the same means, to effect an opposite object, for the noble Lord stripped every contemporary measure of every provision that was restrictive, disfranchising, and coercive, to form one hideous whole. The right hon. Baronet had more than once appealed, in the course of his speech, to those whom he characterised as the independent Members of the House, and had laboured with much assiduity by scattering his chaff liberally, to attract and catch a new species of game. With this view the right hon. Baronet contended that the vote then about to be given should be considered purely as one recorded in favour of the principle of correcting admitted abuses in the registration, and not as in favour of the bill before the House. Now to him (Lord Morpeth) that seemed to be rather a novel way of considering the bills which were laid upon the table. How would the same principle apply to bills for which hon. Gentlemen opposite had not the same predilection which they had for the present bill? No one denied that intimidation was an evil, but would that be admitted by hon. Gentlemen opposite as a sufficient reason for permitting the introduction of a bill by the hon. Member for London, to establish vote by ballot? Would hon. Gentlemen on the opposite side argue that the bill ought to be brought in because the evil of intimidation was admitted? Why it was no later than last week that the hon. Member for Liverpool, in reference to the Ludlow writ, said, "I will not defend the practices which have taken place in Ludlow. I will not deny the abuses which exist there, but at the same time I will not sanction the mode by which you propose to remedy them." The zeal against corruption just now exhibited by the Gentlemen opposite reminded him of the loyal and convivial toast of the Jacobins of former times, who in their hours of festivity were accustomed to give "The King—over the water." The zeal which hon. Gentlemen opposite displayed against corruption was just now equally hot, but the corruption against which they so earnestly set themselves up was "corruption over the water." He had observed, that during the debate, some good humour had been excited when mention was made of the bill which his hon. and learned Friend, the Solicitor-general for Ireland, had announced his intention of introducing, and stress had been laid upon the circumstance that that bill had not yet been produced. Now, if it were not wrong to speak in that House precisely what one thought and felt, and which, if there were less of party spirit, they would all, he conceived, endeavour to do, he would say, however disadvantageous might be the admission, that he joined in lamenting that that bill had not yet been introduced. His hon. and learned Friend, however, had had that bill prepared for some time back, but had felt it so important to insure as much correspondence and analogy as might be attainable with the bills which were to be brought forward for England and Scotland, that he had hitherto refrained from placing it upon the table of the House. Conscious of that delay, and admitting the defect of previous legislation upon the subject, he was averse to making professions, but he would say, that he was unaffectedly anxious, that if a bill calculated to correct abuses of the present system by preventing the fraudulent use of certificates, and removing the names of all persons from the registry who might be disqualified by death or otherwise, should not be carried into a law in the course of the present Session, the fault should lie either with that or the other House of Parliament, but not with the Government, and he could assure the House, that in framing such a bill it should be the study of the Government so to frame it as to prevent as far as possible any unnecessary opposition from any party. But as to the suggestion, that no bill should be introduced which the Government were not sure would be passed by the House of Lords, he owned, if that were to be the case, it would put an end to the hope of introducing any measure which should provide any liberal addition to the franchise, or any substantial facility to the registration in Ireland. Even if his hon. and learned Friend were not prepared to introduce a bill, he (Lord Morpeth) confessed, that he would not purchase the advantages to be derived from the removal from the registry of a certain proportion of voters who might not be strictly qualified to be there, by the universal and formidable restrictions which the bill of the noble Lord was calculated to raise up against the attainment of the franchise in Ireland. He would not enter into the distinctions, great and manifest as they were, which might be drawn between the bill of the noble Lord and former bills introduced by the Government. The right hon. Baronet had admitted, that the annual investigation of the claims formed a broad distinction. The bill of Sir M. O'Loughlin was confined to a revision of any new circumstances, and in the bill of Chief Baron Woulfe, the Government had seen reason to give up the plan of annual revision. He had, therefore, yet to learn upon what plea of consistency the Government were bound to assent to a proposal in the bill of the noble Lord, which they had seen reason to exclude from bills of their own. The House had seen the universal disgust and reprobation with which the noble Lord's bill had been received through the length and breadth of Ireland, and might, therefore, readily infer, that much risk would be incurred of exciting bad feeling, ill will, ferment, and agitation, amongst the easily excited people of that country, by allowing it to pass into a law. If in the present state of the public mind in Ireland respecting the limited state of the franchise as compared with that of England and Scotland, hon. Gentlemen opposite were prepared to limit it still further, and by encumbering it with new restrictions make it more difficult of access, and if they thought they could do so with safety to the destinies of this country, and to that union upon which they set so just and high a value, without questioning their motives, he must express his misgivings as to their statesmanlike qualities, or their fitness to govern. It was only in the course of last year that the right hon. Baronet, the Member for Tamworth, when he was about to receive the reins of Government, had admitted in the most emphatic manner, that Ireland would have formed his greatest difficulty, and even with the addition of his more recent allies, that difficulty would not be diminished if he were prepared to avow and abet the policy of the present bill. The great argument in favour of this bill was, that it would disfranchise corrupt and fraudulent voters, but that it would not operate against the honest and *boná fide* voter. Now, in his opinion, of all the hollow and vain sophistries he had ever heard, this was the hollowest. If all men were exactly what they should be—if the political parties had no tendency to thwart and embarrass each other—if landlords had no tendency to control and cajole—if their agents, witnesses, and valuators, made it a rigid practice to abstain from what they might think the wish of their employers, and if assistant barristers and judges were absolutely incapable of being influenced by party predilections, then, he felt, that they could not safely leave the Irish constituency in all the meshes and checks which the noble Lord proposed; even then he should misgive, looking at the eleven-headed form of notice, whether a qualification the most unexceptionable, and whether co-operation on the part of all functionaries concerned, the most considerate would convoy the unhappy claimant out of the maze of intricacies in which the skill of the noble Lord had involved him. But he could not but apprehend, that some link in the chain by which the noble Lord proposed to effect his object might be found in some way or other to control and to restrain the exercise of the franchise, and that occasionally agents and valuators, and even assistant-barristers and judges, might be actuated by party prejudice. If that should happen to be the case, then not merely would the fraudulent and improper voter be disfranchised, but in his stead a host of honest and well-intentioned persons, perfectly qualified for the enjoyment of the franchise, would be effectually deterred from running the gauntlet through all those difficulties, costs, and embarrassments which would be created under the bill of the noble Lord. The right hon. Baronet who had last addressed the House had observed, that numbers had nothing to do with the question before the House, and he admitted, that numbers had no direct bearing upon the subject. But yet when he recollected what had fallen from the hon. Member for Cork—when he considered that in that county, out of a population of 800,000, there would not be in this year more than 2,000 voters, he much questioned whether there had been much encouragement given to fraudulent registration as had been asserted, and whether the difficulties which already existed had not tended to keep off the registry those who were fairly entitled to the franchise. He fully concurred in the principle which had been laid down by his noble Friend the Secretary for the Colonies, that the great object of the Legislature ought to be, to give every possible facility for the attainment of all public and political rights, and that they ought to place no check upon the fair and legitimate exercise of the franchise. If they must choose between two evils, he must say, that for himself, he had rather that some unqualified persons should be placed upon the registry, than that any part of those who were perfectly qualified and entitled to the franchise should be kept off. They had limited the franchise in England, Scotland, and Ireland, and not to the least extent in Ireland, and he was not prepared to take any steps to enlarge it, but he must say at the same time, that he was equally prepared to oppose every attempt to contract it still further, or to render its attainment or its exercise more difficult than it was at present. It was, then, because he considered this bill calculated to fetter, obstruct, and diminish the franchise—because he considered it had a tendency to keep out not the fraudulent and improper person alone, but to discourage also the worthy, well-intentioned, and qualified from claiming the franchise, because he considered its provisions calculated to keep up bitter and abiding agitation, and above all, because he conceived that both in its principle and in its details it had one uniform tendency to obstruct, fetter, and avert the franchise, that he should give to this bill his most unqualified opposition.

The House divided on the question of going into committee:—Ayes 301; Noes 298: Majority 3.

List of the Ayes.

Acland, Sir T. D
Acland, T. D.
A'Court, Captain
Adare, Lord
Ainsworth, P.
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Attwood, W.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, F. T.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bassett, J.
Bateson, Sir R.
Bell, M.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, S.

Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Bucke, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Cartwright, W.
Castlereagh, Viscount
Chapman, A.
Cholmondeley, hn. H.
Christopher, R.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C.
Cole, hon. A. H.
Colquhoun, J.
Compton, H. C.
Conolly, Col. E.
Cooper, E J.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Crewe, Sir G.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, A.
Duncombe, W.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Farrand, R
Feilden, W
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H,
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forrester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, E. H.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F,
Kemble, H.
Kerrison, Sir E.
Kelburne, Vist.
Kirk, P.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W.
Lefroy, T.
Lennox, Lord G.
Liddell, hon. H.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Lord
Manners, Lord C:
Marsland T.
Marton, G. R.
Mathew, G. B.
Maunsell, T. P.
Meynell, H.
Miles, W.
Miles, P. W.
Miles, W. H.
Milnes, R. M.
Monypenny, T.
Mordaunt, Sir J.
Morgan, C. M.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Northland, Lord
O'Neil, hon. J. B. R.
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W:
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, W. T.
Price, R.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, Col.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Lord
Scarlett, hon. J.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Colonel
Sinclair Sir G.
Smith, A.
Smyth, Sir G.
Somerset, Lord G.
Sotheron, T. E.
Stanley, E.
Stanley, Lord
Stewart, John
Sturt, H. C.
Sugden, Sir E.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas Colonel
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Verner, W.
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Wilbraham, R. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Wynn, C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Abercromby, G.
Acheson, Lord
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Andover, Lord
Anson, Colonel
Anson, Sir G.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Butler, hon. Colonel
Byng, G.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, C.
Cavendish, G. H.
Chalmers, P.
Chapman, Sir M.
Chester, H.
Chetwynd, Major
Chichester, J. P.
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Corbally, M. E.
Cowper, hon. W.
Craig, W. C.
Crawley, S.
Crompton, Sir S.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, C.
Divett, E.
Donkin, Sir R.
Duff, J.
Duke, Sir J.
Duncan, Lord
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Dundas, D.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, G.
Ewart, W.
Fielden, J.
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, Sir H.
Fort, J.
French, F.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grey, Sir G.
Grote, C.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Ld. D. G.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hon. E.
Howard, P. H.
Howard, F. J.
Hume, J.
Humphery, J.
Hurst, R. H.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Johnson, General
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, S.
Lynch, A.
Macaulay, T. B.
Macnamara, Major
Mactaggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Lord
Mildmay, P. St. J.
Milton, Lord
Molesworth, Sir W.
Moreton, hon. A.
Morpeth, Lord
Morris, D.
Morrison, J.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W.
Philips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F.
Ponsonby, hon. J.
Power, James
Power, John
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherford, rt. hon. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, rt. hon. R. L.
Shelborne, Earl
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W.
Standish, C.
Stanley, M.
Stanley, hon. W.
Stansfield, W. R.
Staunton, Sir G.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Tavistock, Marq. of
Thornely, T.

Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C.
Vivian, Major
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Walker R.
Wall, C. B.
Warburton, H.
Ward, H. G.
Wemyss, Captain
White A.
White, H.
White, L.
White, S.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Steuart, R.

Paired off.

AYES.	NOES.
Bailie, Colonel	Ferguson, Sir R.
Bentinck, Lord G.	Byng, right hon. G.
Broadwood, H.	Conyngham, Lord A.
Burdett, Sir F.	Crawford, W.
Coote, Sir C.	Wrightson, W. B.
Davenport, J.	Davies, Colonel
Egerton, Lord F.	Fazakerly, N.
Jones, W.	Cayley, E. S.
Ker, D.	Spiers, A.
Law, hon. C.	Palmer, F.
Master, T.	Walker, C. A.
Maxwell, hon. S.	Fitzsimon, N.
Ossulston, Lord	Evans, W.
Peel, Colonel	Grosvenor, Lord R.
Pringle, A.	Wallace, R.
Spry, Sir S.	Evans, Sir De L.
Tyrell, Sir T.	Campbell, W. F.
Whitmore, T. C.	Fenton, J.

House in Committee.

Mr. *Hume:* I hope it is not intended to go on with this bill to-night.

Lord *J. Russell* would not consent to allow a single stage to be taken that night. He should oppose any such step at that late hour.

Lord *Stanley:* At this late hour I certainly do not think of taking any substantive stage in the bill, but I trust that the noble Lord will not object to my moving that the bill be read paragraph by paragraph, and that the preamble be postponed.

Mr. *Hume:* I will not allow a single step to be taken, and I now move that the Chairman leave the chair.

Lord *J. Russell:* I never saw any attempt made to proceed with a bill in Committee on the same night in which a long and protracted debate terminated at a late hour.

Lord *Stanley:* I do not wish to do anything unusual. I do not attempt or wish to make any real progress in the bill. I hope, however, that the noble Lord will not support the motion of the hon. Member for Kilkenny, that the Chairman do now leave the chair, for such a motion, if carried, would put a stop to the bill altogether. I am ready to let the Chairman report progress, and to ask leave to set again on Friday next, with the understanding that nothing shall be done then, and for the purpose of giving me the opportunity of considering between this day and that what time ought to be fixed for going on with the bill in Committee.

Sir *W. Somerville* wished to know whether the noble Lord was serious in attempting to force this bill through the Committee? The noble Lord must be aware, that with his measuring-cast majority he had not the slightest chance of carrying this bill through the House. The noble Lord must be aware of the great excitement which this bill had created amongst the people of Ireland. The noble Lord must be aware that it was not a question in that House, whether that excitement was right or wrong. He believed that it was right, the noble Lord might think it wrong, but even so, what use was there—he put the question distinctly to the noble Lord—in keeping up that excitement on a bill which he must know he could not carry?

Lord *J. Russell:* I certainly think it better, that the Committee should adopt the course proposed by the noble Lord, as he merely wished to report progress *pro forma*, and was prepared to state on Friday next on what day he intended to proceed further with the bill.

House resumed.

Chairman reported progress, Committee to sit again.

HOUSE OF LORDS,

Thursday, May 21, 1840.

MINUTES.] Petitions presented. By Lord Monteagle, from several places, against Church Rates, the Opium Trade, and in favour of National Education.—By the Earl of Hardwicke, from Northfleet, for an Alteration in the Duty on Foreign Fruit.—By the Earl of Aberdeen, from Greenock, and Dalhousie, against Intrusion of Ministers.—By the Duke of Argyle, from Glasgow, in favour of Emigration to Canada.—By the Earl of Breadalbane, from Rosshire, for an Alteration in the Church Patronage (Scotland).—By the Marquess of Lansdowne, from Trowbridge, that Stock in Trade might not be Rated.—By the Bishop of Norwich, from Swaffham, that some measure might be taken to relieve the present state of Religious Destitution in the country.

ANGLO SPANISH LEGION.] The Marquess of *Londonderry* said, he had to present a petition from an officer of the late Spanish Legion relative to the settlement of his claims on the Spanish Government. The noble Viscount opposite was pleased to say, when he (the Marquess of Londonderry) moved before Easter for the correspondence with the Spanish Government on the subject of those claims, that a negotiation was then in progress respecting them, and at a subsequent period, he had been informed that the negotiation was still going on. Now, he did not wish to press inconveniently on her Majesty's Government; but he felt it necessary to ask, in justice to the parties interested, if the noble Viscount would name a day on which he could state positively whether the negotiation were brought to a close, or whether the noble Viscount would leave him to resort to the only course he could adopt—that of moving an address to her Majesty, praying that she would direct the case of these unfortunate people to be taken into consideration by her Majesty's Government? The petition which he had to present was from the representative of James Cotter, late an officer in the Spanish Legion. The petitioner stated that he had heard by mere chance that a commission was sitting to decide on the claims of the officers of the Legion, and that he had in consequence proceeded to London to substantiate his claim. There he was kept for three months, separated from his family, far away from his business, and subjected to an enormous expense before he procured his certificate. He therefore complained of the delay in settling his claim, and prayed that he might be reimbursed in the expenses to which he was put while he was unnecessarily detained in London. A noble Earl (Clarendon), the petitioner uuderstood, had stated, that the commission was proceeding in the most satisfactory manner; but, so far from the commission giving satisfaction, the petitioner said he would prove, if a committee of inquiry were granted, that they had in several instances acted with cruelty and injustice. This was only one of many petitions which he had received, in which the petitioners stated, that so far from the conduct of the commission being satisfactory, it was directly the reverse.

The Duke of *Richmond* wished to point out to his noble Friend a part of the petition to which he objected, and on account of which it would be desirable to withdraw it, in order that it might be amended. His noble Friend must know that it never was the practice of that House to receive petitions that contained statements of any thing said by any noble Lord in his place.

The Marquess of *Londonderry* was willing to withdraw the petition if the point were pressed; but the petitioner only stated that he had heard so and so—that a general report prevailed that such an observation had been made, the mention of which did not appear to him to be incorrect.

The Earl of *Clarendon* said, the petition was clearly irregular, and it certainly was not the first time the noble Marquess (though so far as he was concerned, the noble Marquess was welcome to it) had read answers from petitions to speeches which he had made in that House.

The Marquess of *Londonderry* said, the noble Earl was disposed to make assertions which were not exactly correct. Could the noble Earl state the time when he (the Marquess of Londonderry) had done that of which he was accused?

The Earl of *Clarendon* could not state the precise day, but such, nevertheless, was the fact.

Viscount *Melbourne* said, that with respect to the question which the noble Marquess had put to him, he could answer it at once. There was no necessity for him to give notice of a day on which to answer it. The negotiations were not completed, they were now proceeding, and it therefore remained for the noble Marquess to take whatsoever course he thought fit.

The Marquess of *Londonderry* was obliged to the noble Viscount for his courtesy, because it relieved him from a state of embarrassment with respect to the numerous parties who were interested in the settlement of those claims. He should, therefore give notice, that on the 4th of June he would move an humble address to her Majesty, praying that her Majesty would be graciously pleased to give directions for the settlement of those claims. If the negotiations were not at that time brought to a close, he could postpone the motion; but if brought to a close prior to that, he trusted that the fact would be stated.

The Duke of *Richmond* again objected to receiving the petition, on the ground that it referred to what was said by a noble Lord in his place. It was well known that petitions containing such references were invariably withdrawn. He conceived it to be a good rule, and one that ought not on this occasion to be departed from.

Petition withdrawn.

French Claimants.] Lord *Lyndhurst* said, the petition which he rose to present, was connected in some degree with the administration of justice; and he called the particular attention of the noble Viscount at the head of the Treasury to it, because he was sure, that if the statements contained in the petition were verified, as he believed they could satisfactorily be, the noble Viscount would see the propriety and justice of acceding to what the petitioner required. In the year 1818 or 1819, a convention was entered into with the French Government by the noble Duke below him, by which a considerable sum of money was appropriated to the discharge of claims made by British subjects on account of losses which they had sustained by confiscations during the revolutionary contest in France. Commissioners were appointed to investigate those claims; and an Act of Parliament was passed, by which it was enacted that any of the claims not decided satisfactorily to the claimants by the commissioners, might be brought by appeal before the Privy Council, provided those original claims were made within a certain time. But certain of the claimants, from various circumstances, were not able to comply with that provision, and their applications were not made within the specified time. It turned out, however, that the sum paid was larger than what was necessary to meet the demands that were preferred; and it was accordingly ordered by the Treasury, and was considered as just, that the second class of petitioners, who were in the first instance late in their application, should be placed in the same situation as the first, and that they should, after investigation, receive compensation according to the extent of their losses. The Act of Parliament, however, only applied to the first class, and some difficulty was found in extending the right of appeal to the second class. With that view an arrangement was made by the Treasury, that the right of appeal should be extended to the second class claimants, but that they should bind themselves to the decision of the Privy Council. One of those claimants was the present petitioner, John Warr, or De Warr, the son of Patrick Warr, and he made a claim for the value of estates in Burgundy and Champagne. With respect to Burgundy, he rested his claim on the purchase of the estate by his father; and with reference to Champagne, his claim was founded on the marriage of his mother with his father, the latter deriving his title to the estate from his wife. Such were the circumstances of the case. The claim was considered by the commissioners, and was by them rejected. An appeal was then lodged before the Judicial Committee of the Privy Council, who rescinded the decision of the commissioners, and directed the commissioners to ascertain, by estimate, what was the amount of the claimant's loss by the confiscation of the estates in Burgundy and Champagne, named in the award. Nothing could be more clear or concise than that decision and direction. It would appear from it, that the commissioners had nothing more to do than to ascertain, in the manner of a writ of inquiry, what the loss of the claimant was. In the mean time, while these proceedings were taking place, the commission was changed, and a new set of commissioners were appointed. The former commissioners decided in public, every body knew what they were doing, and an opportunity was given to all who were interested to inquire into their proceedings. But the new commissioners took another course. They investigated in private, they decided in private. None of the parties were heard prior to the award. That award was given in general terms, and those who were interested could not tell on what grounds it proceeded. They applied, therefore, to the commissioners of her Majesty's Treasury, requesting that the commissioners appointed to consider those claims might be called on to state the precise grounds of their award in this case. The Lords of the Treasury were satisfied with the justice and propriety of that application, and made an order on the commissioners, directing them to give the necessary explanation. It appeared, from the statement which was produced in consequence, that the commissioners had omitted to give compensation for a part of the Burgundy estates, and that they had entirely omitted the estates in Champagne. Now, the Judicial Committee of the Privy Council had directed the commissioners to investigate and ascertain the amount of loss sustained with respect to both estates. The parties were heard before the commissioners, both with respect to the omission of the loss on a part of the Burgundy estates, and as to the total omission of the loss with respect to the Champagne estates. The commissioners held that, by the marriage contract, the property in the Champagne estates was vested in the wife, and that the children had no claim on it. The contract of marriage was in consequence laid before M. Dupin by the party claiming for his opinion, and he decided, that under the marriage contract, the son had a just right to claim. That was a matter which, in point of fact, the Privy Council appeared to have before decided. But, if that body had not done so, then it would appear that a question of law, and a most important question too, the commissioners had taken upon themselves to decide. Under these circumstances it became a question whether the claimant had a right again to appeal, and application was made to the Privy Council. The Treasury did not allow that appeal, but a minute was drawn up, which declared the facts stated in the opinion of the Privy Council. He (Lord Lyndhurst) did not object to the terms of that minute, but on the part of the claimant he objected to the course which had been taken; for the Treasury formed part of the Government, and the Government was a party to the subject-matter of the claim; the petitioner, therefore, contended he had a right to state his own case, and be heard by counsel upon it, before the Judicial Committee of the Privy Council. The minute proved to be useless, for the judicial committee would not give an opinion upon an *ex parte* statement: however, the Treasury persevered, and the judicial committee refused to pronounce an opinion upon it. Under these circumstances, the petitioner required that this case should be submitted by way of appeal to the Privy Council; if not, he would suffer a grievous injustice and loss, as the fund was now in the course of distribution. The Treasury had, in fact, given, by its minute, judgment against itself, for in drawing up the case it was not left to the decision of the commissioners, but it was directed that further inquiry should be made. That being so, what course ought to be taken? Why, that course of proceeding which was pointed out by the Act of Parliament, under which the petitioner had a right to appeal from the decision of the commissioners upon an important question of law, which ought to be submitted for decision to the judicial committee of the Privy Council. The petitioner stated, that he had taken the opinions of two eminent lawyers in France, and that opinions had been also taken from French lawyers on the part of the Government, and he had reason to believe those opinions all corresponded; if so, therefore, it was but reasonable and just that he should have the benefit of those opinions; but if they differed, still he had the right to have a decision pronounced between them by the proper and fitting tribunal. Under these circumstances, he presented this petition, feeling very certain that the noble Viscount at the head of the Treasury would direct whatever was proper to be done with respect to its prayer.

The *Lord Chancellor* said, the petition related to a matter which had been heard before the judicial committee of the Privy Council, and that the petitioner had no legal right to ask that which by his petition he prayed. It would be mere matter of favour and discretion to grant the prayer, and its concession would depend upon the nature of the claim and the proceedings which had taken place upon it. The statute certainly gave a right of appeal to the Privy Council, provided the appeal was presented within three months after the adjudication of the commissioners. The adjudication complained of was made in 1835, so that five years had elapsed before the party thought himself entitled to try the matter before the Privy Council. But the information which his noble and learned Friend had received was in many respects inaccurate, and it differed much from the information derived from official documents which had reached him (the Lord Chancellor). His noble and learned Friend had correctly stated, that the claim was originally made in respect of two estates. To one of these estates, situate in Burgundy, the claimant had succeeded in right of his father, and with respect to which no question could now arise, as its value had been ascertained, and the party had been paid it with interest. The other estate (in respect to which he also claimed compensation) was situate in Champagne, which was the property of the claimant's mother, a French woman, who had married an English subject. These two claims came before the commissioners, who were under a misapprehension as to a matter of fact, for they had supposed the father of the claimant was not a British subject, and under that misapprehension they rejected both claims, on the ground that the present petitioner did not come within the provisions of the statute, by reason of his parents not having been British subjects. Upon this the case had come before the judicial committee of the Privy Council, and the decision of the Privy Council, which was reported and in print, turned simply on the point as to whether the commissioners had been mistaken upon the matter of fact as to whether the father was or was not a British subject, and, if so, whether the son was entitled to claim compensation. The Privy Council never went into the question of title at all, and that appeared not only from the printed report of the case, but also from the certificate given to the Treasury by the learned persons who presided as to the grounds of their decision that the father was a British subject. It was accordingly sent back to the commissioners, not, as it had been stated, to ascertain the value of the two estates, but to ascertain the loss the petitioner had sustained by the confiscation, and the commissioners were desired to examine the case *de novo*. The construction his noble and learned Friend had put upon the reference back was not the true construction of the decision of the Privy Council, who had merely examined as to the matter of fact, and sent the claims back to the commissioners to ascertain what the claims were, and how far they were maintained, the terms of the reference being "to ascertain the amount of the petitioner's loss in respect to the confiscation of the two estates." The commissioners proceeded accordingly to review their decision as to the compensation with respect to the Champagne estate, and they adhered to their decision, on the ground that the mother was solely entitled to that estate, and that there was no community of interest in it between the father and the mother, and they reported against that claim. With that decision the claimant was dissatisfied, and to a certain extent he had reason to be so, and accordingly an opinion had been taken upon the marriage contract from M. Dupin, but the question whether the husband had an interest in the Champagne estate had not been put to that learned person, as his noble and learned Friend supposed. However, the question was ultimately referred to the law officers of the Crown in this country, and they differed from the decision of the commissioners, on the ground, that in their opinion, the husband having survived the wife nine months, had a life-interest in the estate, and that he being a British subject, the son who inherited was entitled to claim compensation to the extent of the value of the life-interest of the father.

Lord *Lyndhurst:* That is disputed. This is the first intimation the petitioner has had of the nature of that opinion of the law officers of the Crown; at least I am so instructed.

The *Lord Chancellor* was certain his noble and learned Friend had not been instructed correctly as to that part of the case. Both his noble and learned Friend and himself had had experience enough in the discussion of private rights to know that it was not uncommon for the parties to tell those who advocated their interests all that was in their favour, but to keep back matters which made against them. It was better that the whole truth should be stated before a complaint was made. But, in fact, a further question had been put to the law officers of the Crown—namely, how far the son had an absolute and indefeasible interest in the Champagne estates after the death of both parents. The law officers of the Crown reported their inability to answer that part of the case, and it was accordingly referred to M. Dupin and M. d'Est Ange, in France, and those learned individuals held that the son had not an absolute and indefeasible right to that estate. Such being the case, he (the Lord Chancellor) was at a loss to know what question could now be referred to the Judicial Committee, except the opinion of the French lawyers, the accuracy of which would be all the Judicial Committee could have to decide. There had been a very long and protracted investigation of these claims, and no pains had been spared to come to a right conclusion; and if the party could not impugn the opinions of the French lawyers, he could not be entitled to more compensation than he had already received. If his noble and learned Friend could have had recourse to the documents and opinions he (the Lord Chancellor) had seen, he would have found the claim of title to be such as he had stated it.

Lord *Lyndhurst* remarked, that his noble and learned Friend on the Woolsack said the petitioner was too late in making the present application. Why, the moment the judgment was known to the petitioner, he claimed the right of appeal. He differed from the opinion expressed by his noble and learned Friend, that this was a matter for the discretion of the Treasury. The Act of Parliament gave the absolute right of appeal, and what said the Treasury minute? Why, that the claimant should be placed by it in the same situation as if another act was passed. It was clear that the award of the commissioners was incorrect; it gave no compensation whatever for any part of the Champagne estate, it was entirely confined to the Burgundy estate, and therefore the party had a right to correct it by an appeal to the Judicial committee of the Privy Council. His noble and learned Friend had said the opinion of the law officers of the Crown had been taken. But they were parties—they were the advocates for the Treasury before the commissioners. Was the petitioner, then, to be conclusively bound by the opinions of the law officers of the Crown? The opinions of the French lawyers had never been submitted to the claimant, and he had a right to have those opinions referred to a court of appeal, in order that the court might exercise a judgment upon them.

The *Lord Chancellor* said, that if the law officers of the Crown gave any opinion at all, it was in favour of the petitioner. Those who had absolutely decided against his claim were the two French lawyers whose names he had mentioned.

Lord *Lyndhurst* said, that ought not to bind the party. The courts of this country admitted the opinions of foreign lawyers as matter of fact, and the opinions of one set of lawyers might in court be met by the opinions of another set, and the British tribunal then decided between those opinions.

Petition to lie on the table.

FINANCE.] The Earl of *Ripon* said that he did not anticipate that any objection would be made to the production of the papers for which he was about to move, inasmuch as they had been laid before the other House of Parliament, and were only in continuation of some documents he had moved for in the course of last session; nevertheless, with their Lordships' permission, he would take the liberty of making a few preliminary remarks upon the subject to which those papers referred. At the commencement of this session he called their Lordships' attention to what appeared to him to be the very unsatisfactory, and, as he thought, alarming condition, in which the finances of the country stood. It then appeared to him, that they were about to enter upon a course of financial policy pregnant with danger to the best interests, if not the safety of the country, and he, on that occasion, stated the various reasons that led him to that conclusion. He showed that within the three last years there had been a very considerable excess of expenditure over the income of the country; and that that expenditure had arisen from causes over which he did not think the Government had any control, or for which the Government could be held responsible. Those causes were a state of things at home and abroad which compelled the executive government to call upon Parliament to make a large provision for the great establishments of the country. He stated that it appeared to him that, looking at the situation of the country, both at home and abroad, in its domestic and its foreign relations, there was no reason whatever to justify them in hoping that any change was likely to take place in that respect, and which would make it either prudent or safe to reduce the expenditure of the country. Since the time he took the liberty of stating those views to the House he had watched, with a good deal of vigilance, the course of those public events to which he referred as having caused the unsatisfactory and critical state of the country's finances, and it would have given him real satisfaction if he could say that anything had occurred during the last three months, since he made those observations, which would justify him in entertaining more sanguine views as to the possibility of curtailing the expenditure so as to bring it really within the regular income of the country. It might be true that, in some respects, some of the causes of anxiety and uneasiness might be diminished. There might be now a greater probability of some matters connected with our foreign affairs being settled than at that time. But it was not very apparent, and at all events it remained yet in doubt. Although it might be true as regarded the internal condition of this country, that it could not be said to be in some respects in that state of alarm and anxiety in which it was at that time, yet he thought it would be the height of imprudence for any body to advise that the military force which was last year increased in consequence of the then state of the country, should be diminished, merely because some of the most unpleasant symptoms which appeared in the early part of this year had been partly removed. And certainly, as regarded another portion of the United Kingdom, he could not see the smallest ground of hope that they could dispense with any measure of precaution that Parliament had thought it necessary to establish. There was a volcano there, which might now be in a state of repose. And so it was. But it wanted nothing but the signal from those who controlled agitation and governed treason in that country, it wanted nothing but the signal from them, and God knew how soon it might be given, to burst out and desolate that unfortunate part of the empire, and expose it to all those horrors belonging to that pestilent system of agitation which had prevailed there for a length of time. Looking at these objects as grounds for maintaining our establishments at their present height, he saw no reason whatever for entertaining the expectation of a diminished expenditure. But since he first introduced the subject there had occurred another necessity for exertion on the part of this country, for which he for one, at least, was totally unprepared; and that was the impending hostilities with China. He did not know, and no one knew, what was the nature of the operations intended to be adopted with respect to China. They knew nothing of the object to be obtained—nothing of the chance of their success. Regarding all these things they were entirely in the dark, and if he did not anticipate any necessity of great exertions in that quarter of the globe at the commencement of the Session, it was only to be ascribed to the language of her Majesty's speech from the Throne. Because, although the speech referred to the unsatisfactory state of our relations with China, and contained an assurance that her Majesty's attention should be strictly applied to that important subject, yet there was not one single word in that speech to lead any man to suppose that we were upon the verge of a war with that great empire, although at that very time her Majesty's Ministers must have known (though they did not think proper to tell Parliament of it) that a war with China was most probable, because at that moment must have been issued the ordinance connected with the government of India in relation to China. There was, therefore, at least the probability at that time that the result of those negotiations would be hostilities between the two countries. To talk of China having the power to carry on a successful war with this country, would, doubtless, be held to be the height of absurdity, but there was a *vis inertiæ* belonging to that mighty empire which would make it exceedingly difficult for us, if only the Chinese would stand still, to impose upon them any terms whatever. Therefore nobody could tell, the most sanguine mind could not anticipate any period at which those hostilities might terminate, or could pretend to define the amount of the expense in which this country might be involved in consequence of them. It appeared to him, therefore, that the situation in which the country stood now, as regarded these matters, was precisely the same as at the commencement of the Session. There was precisely the same source of uneasiness and anxiety as existed when he formerly addressed the House. He, therefore, had watched with, he hoped no unreasonable impatience, but certainly with some anxiety, to ascertain the views which the Government might form, and take the opportunity of developing, as to the mode in which they proposed to meet the exigencies of the financial crisis in which the country was involved; and, in remarking upon this subject, he would take the liberty of stating, in the first instance, how the matter really stood—what was the actual condition of the country at this moment; what the actual condition of its financial resources; and what were the exigencies which Parliament was called upon to meet. It appeared, that in the year ending the 5th April 1838, the excess of expenditure over the income of the country was 1,428,000*l.*, in the year ending the 5th of April 1839, the excess was 430,000*l.*, and in the year ending the 5th of April 1840, it was 1,457,000*l.*; the total excess of expenditure over the income, during those three years, being about 3,300,000*l*. This was rather a formidable deficiency to go on from year to year; but it became ten times more formidable, when it was looked at in connexion with the estimated deficiency of the present year. Because it appeared, from what had been stated, that the estimated deficiency of the current year ending April 1841, supposing, in the first instance, that no increase of taxation were to take place, would be not less than 2,337,000*l*., so that that sum added to the pre-existing deficiency of 3,300,000*l*. would make a total deficiency in the course of four years of not less than 5,637,000*l*. Was it safe to go on in this way? Embarrassments of every description would arise, unless some check were placed upon a system at once so unwise and so dangerous. The matter stood thus:—The expenditure of the present year was calculated at 49,432,000*l*., exceeding in a great degree the actual expenditure of last year, and materially exceeding that of many previous years. It appeared that the income did not amount to more than 46,700,000*l*. Supposing the revenue to be the same as last year, the income would amount to somewhat more than 47,000,000*l*.; but it was stated that, in consequence of certain negotiations that had been going on with France, it was necessary to calculate upon a diminution of the revenue for the ensuing year of about 300,000*l*. Such being the probable result of the conditions which the new treaty with France would impose upon the country, the estimated income of the present year, therefore, being reduced to 46,700,000*l*. would leave a deficiency to be provided for of 2,732,000*l*. He did not wish to say anything upon the subject of the possible terms of a commercial treaty of which he knew nothing. It was, perhaps, not very difficult to guess upon what articles the reduction of duty would be made; but when the Government said it would cost 300,000*l*. to carry the treaty into effect, he took it for granted that they had considered not only the loss that would result from the reduction of the duty on the goods imported from France, but also how far that reduction upon French goods would tell upon the importation of similar goods from other parts of the world. If Ministers had only counted upon 300,000*l*. as the loss likely to result from the diminution of the duty on goods directly imported from France, he was afraid they would find that that sum would not measure the whole amount of the loss they were likely to sustain. But he could not suppose that, in making their calculations, they had overlooked so important a point of consideration. It was obvious, that the Government had very clearly seen the necessity of endeavouring to meet this state of things by an effort to bring the income and expenditure of the country more near to each other. It was accordingly proposed to impose new taxes to the amount of 2,337,000*l*. But the amount of the estimated deficiency being 2,732,000*l*., and the proposed new taxes amounting only to 2,337,000*l*., would still leave a sum of nearly 400,000*l*. unprovided for. And how was that to be met? By a vote of credit. And what was a vote of credit? Nothing but borrowing. It was a loan of some kind, to be obtained either by the issue of Exchequer bills, or by raising money in the market. The country, therefore, was to lay itself under the obligation of an additional loan, notwithstanding the resolution to impose additional taxes. It was said, that a portion of the expense which the country would this year have to meet was of a temporary nature; and conspicuous amongst the items of this temporary expenditure was 350,000*l*. for Canada, and 150,000*l*. for prosecuting the war with China. It was contended, that it was not necessary to raise fresh taxes to meet an expenditure of this temporary character. If he (Lord Ripon), were perfectly satisfied that this was a temporary expenditure, referable solely to the present year, he might be disposed to admit the truth and validity of the argument; but their Lordships would perceive, that if the difficulties in Canada and in China, should not this year be overcome, a state of things might continue in those countries which would render a similar expense necessary in the ensuing year, in which case another loan would be necessary; and thus, from year to year, the country would be reduced to the wretched condition of raising loans—of annually borrowing sums of money to meet the deficiency of the revenue in the excess of the expenditure over the income. He looked upon this, not only as highly inconvenient, but as exceedingly dangerous. He feared that the winding up of the financial year of 1841 would show a deficit of not less than 850,000*l.*, all of which must be obtained by the process of borrowing — a process which would still further increase the expenditure of the country (because money could not be borrowed without paying interest), and still further widen the difference between the income and the expenditure. Even if he were satisfied that this was a temporary expense, and that the country could calculate upon its not being continued, he confessed he should still feel very uneasy at the state in which things would be left; because it appeared to him that the principle upon which the Government had determined that the finances of the country should stand in future, was that of a deliberate rejection of any systematic plan for securing an habitual surplus. This seemed obvious from the fact, that the taxes to be raised were just enough to meet the ordinary expenditure, but not one farthing more. He thought that this was a very unsatisfactory state of things in which to leave the country—a state of things under which our power was likely to be most materially crippled, and all our relations, both at home and abroad, impaired. He knew that many persons were of a different opinion. He knew that many persons thought it a useless thing to attempt to maintain a surplus. It was said, that the money that might be devoted to the reduction of the debt by means of a surplus would be infinitely more beneficial to the community if left to "fructify" in the people's pocket. That was a species of fructification which he (Lord Ripon) confessed he did not understand. It was a principle from which he totally differed, being satisfied that the finances of the country could never be based upon a sound, safe, and wholesome footing unless, in time of peace, there was an habitual surplus. He did not say to what extent the principle of maintaining a surplus should be carried. People might differ upon that point; but that a surplus of some kind should be maintained appeared to him to be indispensably necessary. He begged their Lordships to consider for a moment the consequence of not having a surplus. If the income and expenditure of the country were to be kept upon an exact balance, it was clear that there could be no means whatever of meeting any sudden demand that might be made upon the finances, without borrowing money. This inconvenience would be completely avoided, if it were the policy of the Government to maintain an habitual, systematic surplus. Suppose, for instance, that there was a surplus at the present moment of 2,000,000*l.*, there would then be no necessity to borrow money to meet the expenditure necessarily incurred in Canada and China. It was perfectly true, that if the surplus were applied to meet these sudden and unforeseen demands, it would not be possible to go on reducing the debt; but then it was to be remembered, that the debt would not be increased; and when other countries saw that we had the power of making sudden exertions to protect our honour or defend our rights, without increasing the burthens of the people, they would be less disposed to offend the one or encroach upon the other, than they would be if they saw us perpetually crippled and kept down by the paltry and ill-advised policy, which rendered us incapable of making any exertions whatever without the immediate necessity of borrowing money. Again, with a revenue so complicated as ours, it might be very desirable, from time to time, to modify the high taxation which pressed upon the country, and to reduce it; but changes of this description must always be accompanied with some uncertainty as to the result, and most probably with some temporary loss to the revenue. Under such circumstances, how great must be the advantage of a surplus. He might point to an instance which occurred within his own experience, as an illustration of the advantage derived from the practice of maintaining an habitual surplus. In the year 1823, there was a real surplus of a very considerable amount. A question arose of infinite importance, as regarded the well-being of Ireland, connected with the revenue of the country. The duty on spirits had been raised, from time to time, during the war until it amounted to an enormous sum. But it did not produce the amount of revenue that it might have done, because it gave rise to a most extended and most alarming system of illicit distillation—a system productive of the greatest possible evils, and leading to the demoralization of whole districts. The people all turned to smuggling; and everybody knew that when men were once habituated to a violation of the law in one respect, they soon ceased to yield obedience to it in all other respects. So it was in Ireland. The whole country was in a state of the greatest disorder. He thought the most unjust, the most unconstitutional laws had become necessary to put down the tremendous evil that had arisen. The army had been occupied, much to the detriment of its discipline, hunting all over the country in small detached bodies, not for a hidden enemy, but for concealed stills. As he had said, the whole country was in the utmost confusion; and the state of things became absolutely intolerable. What was done? There was but one remedy. All others had been tried, and had failed, and that remedy was a reduction of the duty on spirits. It was reduced, he thought, one-half, entailing a possible loss upon the revenue of not less than 800,000*l.*; though it certainly was not anticipated that the actual loss would be so great, because, if the plan succeeded, the duty, instead of being paid upon a comparatively small portion of the whiskey distilled in Ireland, would be paid upon the whole of it. But, at all events, the necessity of the case was so strong, that it was requisite to run the risk even of losing the whole of the 800,000*l.* This he was enabled to do without difficulty and without danger, because he had a considerable surplus. He maintained that it was an immense advantage to be enabled to carry into execution, without hesitation and without doubt, so great a change, without risk or danger of embarrassing or deranging the finances of the country. Suppose we had a surplus now—suppose, instead of being in the unfortunate predicament of having an excess of expenditure over our income, we had an actual surplus, in that case the Government might have carried into effect the project for the reduction of the postage, without imposing any new burden upon the country. If that reduction were to increase the comfort and happiness of individuals, to promote the diffusion of knowledge, and he knew not what besides, what an advantage it would have been to have conferred all these benefits upon the public, without the necessity of imposing other taxes. Of all things in the world, he believed that nothing could be so unsatisfactory as the imposition of a new tax, as a substitute for one taken off. And why? Because those who benefitted by the repeal of a tax, very soon forgot the obligations they were under to the government who made the repeal; but those upon whom a new tax was imposed, felt always pinched and screwed, and would never let the government alone until the burden was removed. The wisdom or policy, therefore, of substituting one tax for another, he considered as very problematical. There was another point upon which the advantage of maintaining a surplus was, he thought, apparent. He referred now to the unfunded debt, and to Exchequer bills. Exchequer bills were a very convenient security to the persons who held them, and at the same time afforded a very convenient mode to the Government of raising money. Perhaps in some respects they were too convenient, because the facility of obtaining money upon them, held out a great temptation to stretch a point or two in expenditure. It was for that very reason that he thought it of vital importance that we should always be able to have the Exchequer bills in hand—always have it in our power, by means of a surplus, to check, controul, and limit this species of security. If there were no surplus, there was always the danger of being involved in very great inconveniences, and very great expenses with respect to Exchequer bills. This had occurred very lately. Last year 4,000,000*l.* of Exchequer bills were funded; but the effect of that funding was not to keep the Exchequer bills at a high premium and a low rate of interest; on the contrary, the premium which before had been 3*l.* or 4*l.* per cent., ultimately sunk to a discount; and what was the consequence? Why, that the Government was compelled to raise the interest upon the Exchequer bills that stood out, in order to prevent their being paid into the revenue, and this led to an expense of 150,000*l.* If there had been a surplus, the Government would not have been compelled to resort to such a measure, and an expenditure of somewhere about 180,000*l.* would have been saved to the country. He held that the possession of a certain surplus was the only means of preventing a perpetual derangement of our finances, and the only means of keeping them in a sound and healthy state. In respect also to the circulation of the country, he thought it highly desirable that the Government should strive to avoid the necessity of coming annually to Parliament in the manner it was now doing. Every Exchequer bill that was issued was, *pro tanto*, an extension of the circulation of the country, and an extension of a species of circulation over which trade and commerce had no influence. It might happen that the issue of Exchequer bills—which the necessities of the Government, in a fiscal point of view, might render imperative—would take place at the very moment, when in a commercial point of view, an increase of the circulation was the least desirable thing in the world. Hence would arise many difficulties of a most embarrassing nature. Taking all these things together, it appeared to him that it would be a most unfortunate circumstance, if he were to understand (he might be mistaken, and sincerely hoped he was), that the principle upon which the Government intended to administer the finances of the country was that of the rejection of a surplus as a part of the system. He believed that if they acted upon that principle, they would create much disappointment, and give rise to many difficulties of a most serious character. He was confident, that if Ministers thought that satisfaction would be given to the country by adopting the principle of rejecting a surplus, in order to avoid what undoubtedly would be a pressure upon the people, namely, the imposition of a further amount of taxation, in order to create a surplus; if they thought that by this means they could conciliate the nation, and procure for their measures a favourable reception, he was satisfied they would be extremely disappointed. If any emergency should arise which should compel them to come again for an additional loan, the country would not fail to condemn the unwise and impolitic course that they had pursued. Although they might raise the money that they now wanted, they might depend upon it, that if in the course of two or three years it should be necessary to call upon the public to make still further sacrifices, they would find it infinitely more difficult to obtain the money, than if they were to try to get it now, when it would be so much more advantageous to our finances, and therefore more satisfactory to all who looked not merely to their own interests, but to those of the country in general. The noble Lord concluded by moving for certain returns relating to the revenue.

Viscount *Melbourne* said, his noble Friend seemed to admit that the state of affairs, both at home and abroad, was somewhat better than it was at the time that he called the attention of the House to the condition of the finances at an early period of the Session. His noble Friend said, that there now appeared to be a probability that some of the questions which at that time appeared to him to be menacing and threatening, and to be involved in great difficulty, would be settled without much further delay. His noble Friend admitted, that the state of affairs at home was more tranquil, and that even in that part of the empire which he likened to a volcano that only required a signal to break out into a frightful irruption—it was difficult, perhaps, to imagine how a signal was to be given to a volcano, but even in that part of the empire his noble Friend admitted that there was a temporary calm; though he described it as one upon which the Government had no right to rely. He would not hazard any predictions, nor would he pass any praise or panegyric upon the present state of affairs. He would not say more than that which was obvious, plain, and manifest. He was always very much afraid of predictions: they were very apt to be falsified, and to be followed by events directly the contrary of them. But he thought that, even upon the showing of his noble Friend, her Majesty's Government were entitled to thanks for the alteration and improvement that had already taken place, and that a well-founded hope of further improvement might be entertained, without expressing any very confident prediction upon the subject. But his noble Friend said, that matters had occurred abroad of which he was not aware at the commencement of the session, which had led to great difficulties and to great expenses, and to which he thought the attention of Parliament was not properly called in her Majesty's speech. Now, if his noble Friend would consider the words of her Majesty's speech, which he had quoted but partially, he would at once perceive that nothing could more distinctly point out the circumstances which had taken place, and the measures that were likely to be adopted in consequence of them, than the terms in which the subject was referred to in the speech from the Throne. These were the words:—

> "Events have happened in China which have occasioned an interruption of the commercial intercourse of my subjects with that country. I have given, and shall continue to give, the most serious attention to a matter so

deeply affecting the interests of my subjects, and the dignity of my Crown."

It was perfectly impossible, speaking with the usual reserve of speeches from the Throne, that the attention of Parliament could have been more directly pointed to the subject, Parliament being, of course, aware of what had happened in that part of the world. Alluding to the excess of expenditure over income which had of late years been growing up, his noble Friend said, "This is very alarming; it is impossible that such a state of things can go on; it is pregnant with danger, and calls for very great exertions on the part of the Government and the country." It was for that very reason that Government had adopted the measures that they had adopted, for that very reason that they had proposed the measures that they had proposed. It was from a strong sense that the excess of expenditure over income, and the system of borrowing money every year could not be sustained with honour and credit to the Government, nor with safety to the interests of the country, that the Government had proposed the measures which they considered adequate to the circumstances in which the country was placed. His noble Friend had stated very clearly the whole of the financial difficulties against which the country had to contend, and had pointed out some further defalcations in the revenue, which he thought ought to be calculated upon. His noble Friend said, that it would be improper for him to go into any consideration of the articles of a treaty which was not yet concluded, and of which he knew nothing; but he trusted that due consideration had been given to all the matters to which the treaty related, and to all the circumstances which might render the loss to the revenue, in consequence of an alteration of the rate of duty on certain articles, greater than was at present expected. He believed that full and complete calculations had been made upon the subject, that all the circumstances to which his noble Friend referred had been carefully taken into consideration, and that the loss that the revenue was likely to sustain had been placed at the highest probable sum. It was very possible, and he trusted it would turn out so, that the loss would not be so great as had been anticipated by the statement of the Chancellor of the Exchequer in the other House of Parliament. His noble Friend stated that the expenses which the Government considered of a temporary character only, were to be met by Exchequer bills—by a vote of credit, which it was impossible to deny was nothing more nor less than asking for a loan. That was perfectly true; but the Government, when it took this course, made a distinct statement, that, according to the best of its belief, these expenses would only be of a temporary and occasional nature, and ministers did not think that they would be justified in laying a permanent tax upon the country to meet expenses which they trusted would not continue another year. If these expenses should continue, if they should grow up to a larger amount, or if they should be succeeded by other expenses of a similar character—an event which, amidst the complicated interests of this country in every part of the world was but too likely to occur—it would then be for the Government to determine what course it would pursue to meet the difficulty; but under the present circumstances ministers did not think that they would be justified in calling upon the country to load itself with a permanent burden for the purpose of meeting an expense which they trusted would not continue beyond the present year. But the great objection which his noble Friend made to the whole system in which ministers conducted the financial affairs of the country was, that they did not proceed upon the principle of retaining or imposing such an amount of taxation as should secure a surplus of income over expenditure. This was a very great question in financial affairs, and a very difficult question, and one which it was of great importance should be decided correctly and justly. The principle upon which the Government of this country acted for many years, was that of receiving and maintaining a surplus. He did not remember in what year it was, that Mr. Huskisson moved a resolution in the House of Commons, to the effect, that there ought always to be a surplus of 5,000,000*l.* [The Earl of *Ripon:* 1819]. Well, the resolution was carried by a very large majority. But great difficulties followed—great financial pressure—great pecuniary trouble spreading itself over the whole of the country. As these difficulties increased, it was found to be quite impossible to maintain the principle of always providing a surplus; and it appeared to him to be a very difficult question whether it was wise to propose taxes for the purpose of creating and sustaining a surplus, or whether it was not better to impose no more taxes than were absolutely necessary to meet the expenditure of the country, and to leave the capital not required by the exigencies of the state, to fructify (using a term that had been much ridiculed, but not on that account the less apt) in the pockets of the people. That was a question of very considerable importance, and one upon which at different periods a great deal of political feeling had existed. His noble friend had passed many eulogiums upon the advantage of having a surplus. No doubt it was a great advantage to have more money than one wanted to spend, whether in public or private affairs. It did not require much eulogium to prove that. But in reality the question was a very serious one. Taking all the elements of Government into consideration—taking the feelings of the people into account—looking to the circumstances in which the nation stood, and also to the politico-economical bearings of the subject, it did not appear to him to be a clear question whether it would be wise or prudent to impose taxes upon the country for the sake of producing a surplus. At the same time, it was not a question upon which he would undertake or presume to give a decided opinion at present; but he said that, under the present circumstances of the country, and in the present situation of the country, the measures that the Government had prepared appeared to him to be sufficient for the occasion, and the best that could be proposed. Of course, he had no objection to the production of the papers for which his noble Friend had moved.

Lord *Ashburton* was understood to say that the doctrine of the noble Lord would encourage the idle in every part of the country to enjoy the present time without care for the future. If they looked back to the declaration of almost every Minister who had directed the financial affairs of this country, they would find the same principle maintained throughout, that had been so clearly stated in the speech they had heard from his noble Friend. At the close of the American war, when the country came out of a most unfortunate contest with a deficiency of between five and six millions, what did Mr. Pitt recommend? Not what would be recommended at the present day—not the course of common and low popularity of reducing the taxation, and leaving the burden upon our children; but he boldly met the difficulty, and immediately a sinking fund was created, which amounted to something like the same thing as a surplus revenue. Unless this country returned to that sound and honest principle—for there was nothing but roguery and swindling in the opposite system—it would put itself in a position to be insulted by every nation in the world, and would find itself without means and resources. The principle laid down by Mr. Pitt was followed until late years by almost every statesman who had occupied himself with the financial affairs of the country. He would recommend the noble Viscount to read some of the speeches of Mr. Huskisson on the subject. Mr. Huskisson said, that it was absolutely impossible that any country could be independent in her power and resources unless the principle were observed of having some amount beyond the ordinary expenditure. A resolution passed in the House of Commons, to the effect, that

> "For the reduction of the national debt, and to provide for future relief from part of the present burdens, it was necessary there should be a clear surplus of income beyond the expenditure of not less than five millions, and with a view to attain that important object it was necessary to increase the income of the country by additional taxation."

That was the resolution of the House of Commons in 1819, and he had never heard any one express any other feeling than that of extreme reluctance at not being able to act upon that principle. What would happen to this country if it was called upon for any warlike exertion—and no country, however pacific, can answer for what might come upon them from another nation? The consequence would be, that, to meet the expense of a war requiring eight or ten millions of money, they must have recourse to one of two means—they must either borrow, or lay on taxation for the purpose. Suppose they went upon the principle of borrowing—and every minister would say that the necessity was merely temporary, and that peace would probably be proclaimed before the following session. Well, borrowing was justifiable, provided the principle was laid down that there should be some surplus for a sinking fund which in a given number of years should extinguish the sum borrowed: that was a sound principle. If they looked to other countries they would find that principle acknowledged by our children—if he might so call them—the Americans. They borrowed, but did not lay on any taxes on the people for carrying on their war. There was nothing more justifiable and sound in finance than to borrow for such a purpose; but it was not only not sound, but not honest, not to make provision for the gradual payment in time of peace. Now, the Americans did not owe one sixpence, and he doubted very much whether they would be caught by the notion of the money "fructifying" in their pockets, and whether they would not continue to think, that their honour was concerned, in paying off during peace the debts they had contracted in time of war. The noble Viscount had got China and Naples upon his hands, and there was a quarrel, about what he (Lord Ashburton) did not know, with Portugal. Then, the noble Viscount had the boundary question in America to settle. Any Minister for Foreign Affairs would be unfortunate in having so many affairs of the kind upon his hands; and if, with all the pacific disposition of the noble Lord who at present filled that office, he found those difficulties grow upon him, it was only necessary to remind their Lordships of the fallacy of considering those events of unfrequent occurrence. The surplus, moreover, independent of the objects for which the necessity had been pointed out, was necessary to make provision for the ordinary fluctuations in the revenue which necessarily must occur; and Mr. Huskisson had said that, with a revenue of fifty millions, it was necessary to be prepared for a fluctuation of ten per cent. He had too good an opinion of the honesty and common sense of the English people to doubt their willingness to submit to any provision which was necessary to secure the independence and honour of their country. With respect to the treaty with France, no one would see with greater pleasure than himself a commercial intercourse established between the two countries. If the project were entertained in a really good spirit on the part of the two countries, he knew of nothing more likely to give general satisfaction; but the little experience he had had, left him in considerable doubt whether anything effectual would be done. With regard to the Exchequer, it had been shown by his noble Friend, that the effect of having no surplus with which the Exchequer bills in the market, which were too much for the circulation to carry, could be bought up, was they were saddled with an expense of 150,000*l.*, while the money concerns of the country were deranged, because the Government had an unfunded debt more than the market could bear. If there were a surplus, all that confusion would be prevented, and the difficulties of Exchequer bills obviated. Questions of finance did not very often come before their Lordships, and thanks were due to his noble Friend for calling their attention to the subject. It was one of the most important considerations that could occupy the minds of the Government and of the country. He would conclude by asking the noble Lord if provision for concluding the treaty with France would be made during the present Session?

Viscount *Melbourne* said, it was impossible to answer that question then.

HOUSE OF COMMONS,

Thursday, May 21, 1840.

MINUTES.] Bills. Read a first time:—Customs, etc. Duties.—Read a second time:—Frivolous Suits; Rated Inhabitants Evidence.

Petitions presented. By Mr. Sheil, Mr. Hume, Mr. Hindley, Mr. Wilbraham, Mr. E. J. Stanley, and others, from Dundee, Leicester, Tavistock, Nottingham, Chester, and various other places, against Church Extension.—By Mr. Acland, Mr. Egerton, Colonel Wood, Captain Polhill, and others, from Somersetshire, Cheshire, Brecon, Croydon, Oxford, and various other places, for Church Extension.—By Mr. E. Ellice, from Cupar, for Separation of Church and State.—By Mr. Buck, Mr. E. J. Stanley, Mr. Hume, and others, from Cheshire, Renfrew, and various other places, for a Repeal of the Corn-laws.—By Mr. Shaw, against the Flour Importation Bill.—By Viscount Powerscourt, from Bath, and its vicinity, that the House would take some measures for the Suppression of the National Association, Dublin.

CHURCH EXTENSION.] Sir *R. H. Inglis* said, that since he had entered the House he had received a communication which, he feared, left him no alternative but that of postponing the motion which he had placed on the paper for this evening. He begged to apologise to hon. Members on both sides of the House for the needless trouble which he had given them, and he deeply regretted, for the sake of the cause which he advocated, that any circumstance should have arisen to prevent his bringing forward his motion. At the same time, the communication which he had received was of such a nature, and of so high an authority, that he thought it more respectful to the House to bow to it at once rather than give the House the trouble of discussing its propriety. The communication was, that he must proceed by committee, and he was informed, that a notice was necessary before, upon such a subject, the House could go into Committee. He could only, therefore, now give notice that he should, as soon as possible after Whitsuntide, call the attention of the House to the same subject.

Mr. *Hume* thought, that the effect of leaving the question thus unsettled would be, to increase the agitation which already existed throughout the country upon this subject. He begged to ask what there was to prevent the hon. Baronet now moving that the House should go into Committee? Or, if it would be a more convenient course, he would submit the motion which he had on the paper as a substantive motion, and the hon. Baronet might make his motion by way of amendment.

The *Speaker* said, that the course suggested would be as irregular as that originally intended to be taken by the hon. Baronet, the Member for Oxford University. He was quite sure that the hon. Member must be aware of the necessity of a notice of any motion that the House should resolve itself into a Committee upon this subject.

Mr. *Hume* inquired whether it were impossible that any question respecting religion could be entered into without previous notice.

The *Speaker* said, that the Standing Order of the House was, "that this House shall not proceed on any motion for addressing the Crown for any money to be issued, or expense incurred, without notice."

Motion postponed.

BEET-ROOT SUGAR—MR. BRADSHAW.] Mr. *O'Connell* then rose to call the attention of the House to the subject of a petition presented from Mr. Hercules Bradshaw, on the 7th May, complaining of his having been subjected to a loss of 16,000*l.*, in consequence of his having been permitted to carry on the manufacture of beet-root sugar in Ireland for two years, at the expiration of which, a measure was introduced affixing a heavy duty on sugar so produced, without any intimation of the intention to impose such a duty being previously conveyed to him. The hon. and learned Gentleman contended that the case made out by the petitioner was one of great hardship, and concluded by moving for the appointment of a select committee to inquire into the allegations made. In consequence however of an intimation which he had received, that the question might be settled, he should propose, that the further consideration of this petition should be postponed until Tuesday, when the right hon. the President of the Board of Trade would be present.

Debate adjourned.

PETITION OF MR. ROBERTS.] Mr. *F. French* rose to call the attention of the House to the petition of Mr. Roberts, which had been presented on the 3rd of April, and which related to a subject of much importance in an anatomical point of view. The petitioner had discovered an antiseptic process, by which animal substances could be preserved from putrefaction, and to the value of that discovery some of the ablest surgeons and anatomical teachers in the metropolis had borne testimony. Those gentlemen, in a letter, which he held in his hand, stated that they were convinced, from what they had seen, that Mr. Roberts's preparation was capable of keeping in a fresh, moist, and inoffensive state, the flesh of animals, and they thought that it might become of important use to surgeons and students of anatomy, and that it might be made to promote materially the objects of the Anatomy Bill. That letter was signed by Sir A. Cooper, Sir C. Brodie, Mr. Green, and other gentlemen of high standing in the medical profession. There was another letter, to the same effect from Dr. Somerville, who stated, that he owed it to Mr. Roberts not less than to the medical profession, to bear his testimony to the merits of the process by which portions of the human body had been preserved for a period exceeding six weeks. Those Gentlemen, and many others, had expressed themselves in the most decided terms as to the merits of this discovery, and they had suggested to Mr. Roberts, that the hon. Member for Bridport, from his connexion with the Anatomy Bill, and from the influence which he possessed with the Government, was the best person to whom he could apply in order to have the process adopted generally in the anatomical schools, and in a manner the best calculated to remunerate the discoverer. Sir A. Cooper had accordingly given Mr. Roberts a letter of introduction to Mr. Warburton, and Mr. Warburton had, in consequence, offered to enter into negotiation with the Government on the subject. In his interview with that gentleman, Mr. Roberts was asked by Mr. Warburton what the value was which he put upon this discovery, and Mr. Roberts replied, that he would accept of 5,000*l.* for a licence to enable the whole schools of anatomy in the kingdom to make use of the process. Some time afterwards Mr. Warburton stated to Mr. Roberts, that the Chancellor of the Exchequer, to whom he had applied, could not give his attention to the matter, on account of the pressure of public business, till the end of the Session of 1836. About that period, however, the Chancellor left town suddenly to attend the British Association at Bristol, and from that place he proceeded to Ireland. Dr. Birkbeck had also written to Mr. Rice upon the subject, but to that letter no answer had been received. About the 22nd of September, however, Mr. Warburton received a letter from Mr. Rice (now Lord Monteagle), enclosing a letter from the Home-office, in which the receipt of Dr. Birkbeck's application was acknowledged, and in which Lord John Russell admitted the importance and utility of the process, but stated, that he did not feel himself warranted in recommending that the Government should pay to Mr. Roberts the sum of 5,000*l.* for its use in the anatomical schools. Now, before he proceeded further, he felt bound to say, that he had no charge to make against the Home-office, for the course which had been pursued by that department, had been perfectly straightforward. On hearing the contents of the letter which had been written by the direction of Lord John Russell, Mr. Roberts concluded, that the negotiation with the Government was at an end, and he proposed, in consequence, to enter personally into an arrangement with the different anatomical schools, so as to enable them to make use of the process which he had discovered. On stating his intention to do so to Mr. Warburton, that gentleman said " No. The letter received from Lord John Russell admits the value and importance of your discovery, and as the letter is sent to me instead of Dr. Birkbeck, it is evident that the Chancellor of the Exchequer wishes the negotiation to be continued through me." The hon. Gentleman, the Member for Bridport, had however added, that it was necessary for Mr. Roberts to put him confidentially in possession of the secret of the process, when he would make some experiments to test its efficacy, and then report to the Chancellor of the Exchequer upon the subject. With that request Mr. Roberts hesitated to comply, but the hon. Member for Bridport stated, that until he was made acquainted with the process he would not advance a step in the matter. However, on the recommendation of Sir George Sinclair, the Member for Caithness, Mr. Roberts at last consented to put Mr. Warburton in possession of the secret, and as soon as he had done so, Mr. Warburton communicated the fact to the Chancellor of the Exchequer, but for two years no report had been made. This was in April, 1837, and he believed, that till the end of the year no experiment had been made as to the value of the process which had been submitted to the hon. Member. About the end of the year 1837, Mr. Roberts saw by advertisements in the public papers that two persons had taken out patents for processes similar to his own, and, becoming alarmed at the delay which had taken place in determining the merits of his own discovery, he applied once more to Mr. Warburton upon the subject. To that application the hon. Member for Bridport had replied, that Mr. Roberts might make himself perfectly easy, because, as the Government had directed him to make a report on the merits of his discovery, Ministers would be obliged to remunerate him for disclosing the process, even should twenty patents for similar processes be taken out. Further time, however, elapsed without any communication being made to Mr. Roberts, and that gentleman, weary of the delay, again applied to Sir George Sinclair upon the subject. On the 2nd of February, 1838, Mr. Roberts received an answer to that application, in which Sir George Sinclair said, " Mr. Warburton thinks so highly of your invention, that he is willing to recommend that Government should pay you 1,000*l.* for revealing the process, and a further sum, say 2,000*l.* more, if on trial it should meet with general approbation and adoption." Nothing, however, was done for a considerable time longer, and it was only on the 9th of April, 1838, that Mr. Roberts received a letter from

Mr. Warburton, in which was the following passage;—"I am sorry to inform you that I have received a letter from the Home-office, stating, that the Chancellor of the Exchequer having referred to that office the question of remunerating you for your discovery of a method of preserving animal substances from putrefaction, Lord J. Russell has declined recommending a grant of public money for that purpose." Now, he would ask whether such proceedings would be tolerated in private life, and if they could not be justified in private life how could they be justifiable in a Government? Was it fair to ask this gentleman to disclose his secret, and to appoint a person to report upon the merits of his discovery, and yet, and after such delay as had taken place, to refuse him any remuneration for his invention? He thought this was a case which called loudly for inquiry, and he hoped the House would consent to an investigation of the allegations contained in the petition. He should conclude by moving that a committee of Inquiry be appointed to inquire into the subject.

Mr. *Warburton* thought it would have been only fair if the hon. Member who had brought forward this subject had applied to him in the first place, and before submitting this motion to the House. Had he done so, the hon. Gentleman would have received the fullest explanation of all the circumstances to which he had adverted; but, as he had thought proper to pursue a different course, and without any intimation had made a statement on the subject to the House, he felt he had some cause to complain of the manner in which he had been treated. Mr. Roberts had come to him and had shown him letters from some of the most respectable members of the medical profession in favour of his discovery, and had asked him to bring his invention under the notice of the Government. To that request he had replied, that he was no judge of the merits of the process, but that the great question to be considered was, in his opinion, whether it was economical and easy in its application. He had also stated to Mr. Roberts, that he was willing to see the Chancellor of the Exchequer upon the subject, and he had said he would recommend the Chancellor to make him a small grant in the first place, and a larger one afterwards should the discovery prove effectual. While, however, the matter was under the consideration of the Chancellor, information of this kind reached his ears. In the minutes of the Anatomical Association he found it stated on the 12th of March, 1837:—

> "Dr. Somerville mentioned at a meeting of the committee, that Mr. Roberts had expressed his determination, unless the governors advised the use of his antiseptic fluid, to obstruct the distribution of bodies to the anatomical schools."

On obtaining information, the next time Mr. Roberts called upon him he told him he could have nothing further to do with the process, and had wished him good morning. Sir George Sinclair had, however, prevailed upon him to overlook this offence, great as he considered it to be, and at the request of that hon. Baronet he consented to go to the Chancellor again. He, however, told Mr. Roberts that he would not again see the Chancellor unless he was made acquainted confidentially with the nature of the process, in order that he might be more fully able to judge of its merits. In consequence of that determination Mr. Roberts had disclosed the secret of the process to Sir George Sinclair and to himself, and after making some experiments, he had made a new recommendation to the Chancellor of the Exchequer in favour of Mr. Roberts. He begged distinctly to be understood, however, that there had been no contract, and merely a recommendation. When he had made his report, the Chancellor of the Exchequer referred the matter to the Home-office, and Lord John Russell declined to make any grant of the public money to Mr. Roberts. In 1838, Mr. Roberts proceeded to carry his threat into effect, upon his application having been rejected by the Home-office. He distributed written papers at all the workhouses in London, and endeavoured to excite a prejudice in the public mind. Was this a man who could put in a claim to a reward out of the public money?

Mr. *Hawes* said, that in answer to an application from Mr. Roberts, he referred that gentleman to a committee of Inquiry which was then sitting at the House of Commons. Before that committee, however, Mr. Roberts never chose to appear.

Mr. *Goulburn* thought, that if this were really a valuable discovery, as from its nature it was not entitled to receive a patent, the individual was entitled to some remuneration at the hands of the public, Mr. *F. Maule* was of opinion that there should be the greatest delicacy on the part of Government in treating applications of this nature, when great discoveries often turned out to be great failures. He was happy to state, that the Anatomy Act had been completely successful, and that not a single case of what was termed "resurrection" now occurred.

Motion withdrawn. House counted out.

HOUSE OF LORDS,

Friday, May 22, 1840.

Minutes.] Petitions presented. By the Earl of Rosebery, from the Presbytery of Edinburgh, against Intrusion.—By Lord Saltoun, from various places in Scotland, for the same purpose.—By the Earl of Radnor, from Leeds, Liverpool, and other places, against Church Extension.—By the Earl of Eldon, from Yorkshire, against any Alteration of the Corn-laws.—By the Earl of Radnor, from Yorkshire, for the Repeal of the Corn-laws.—By the Bishop of Ripon, from Yorkshire, for Church Extension.—By the Duke of Richmond, from the Growers of Fruit around the Metropolis, complaining of the Foreign Fruit Duty.

Municipal Corporations (Ireland).] The Earl of *Roden* presented petitions from a number of members of different guilds, constituting the corporation of the city of Dublin, against the Irish Corporation Reform Bill. The noble Earl said, that having been prevented from being present when this bill was recently before their Lordships, and as, perhaps, he should not be able to attend when the measure would be next discussed, he should take the present opportunity of again, as he had formerly done, warning their Lordships against the bill which was now on their table. Connected with Ireland, and knowing the state of feeling which prevailed in that country, he would say decidedly that this bill was not called for, except by those whose object was agitation, and whose desire it was to overthrow and destroy the Protestant institutions of the country. If the bill, which the noble Viscount had postponed for very good reasons, had come on, as was originally intended, to-night, he certainly should have felt it to be his duty, to take the sense of the House on the principle of the measure. Their Lordships had heard counsel at the Bar against this most important bill, and he thought that the corporation of Dublin, in their mode of opposition, had acted most honestly and most wisely—honestly, because they had shown their deep anxiety to protect their undoubted rights, interests, and privileges; and wisely in choosing for their advocates those gentlemen who had appeared at their Lordships' bar. One of those Gentlemen was selected from the Irish bar, and he was sure that the impression made by his speech could not easily be forgotten by those who heard it delivered. He would advise those who had not heard it, to read and study the substance of that address, which, he believed, had been printed. The corporation were wise in selecting such an advocate, because he was a man of high character in his private station, and much esteemed by all who knew him; and the speech which he had made on this subject showed that he was a man of talent, and worthy of undertaking the important duty which had been intrusted to him by the corporation of Dublin. Of the bill then before their Lordships he would say, whether it were passed as it now lay on their Lordships' table, or amended, and made to take the form of the last bill on this subject, that it was calculated to bring ruin on Ireland, to create discord in every town throughout the country, and to produce an incalculable increase of wretchedness and misery. He, therefore, felt, that he should be guilty of a gross dereliction of the duty which he owed to the great mass of the gentry of Ireland, if he did not raise his voice against this pernicious measure, and now take the only opportunity of which, perhaps, he could avail himself, to call on their Lordships to pause before they passed a bill that must inevitably bring misery and distress on Ireland. The petition which he now presented came from men of humble station in life, but they were not, therefore, the less worthy of being heard, when they came forward in defence of those rights and privileges of which they were about to be deprived, without any act being alleged against them, that could justify so severe a visitation.

Petitions laid on the Table.

Importation of Foreign Fruit.] The Duke of *Richmond* presented a petition from a numerous body of market-gardeners who supply the London market with fruit and vegetables, complaining of the great injury which they sustain in consequence of the low rate of duty imposed on the importation of fresh foreign fruit. When his noble Friend, at the head of the Government, was formerly applied to on this subject, he said, that he would take the matter into consideration. But, taking the subject into consideration, and granting relief to those who suffered from the existing state of the law were two very different things. The present low or nominal duty on the importation of foreign fruit, operated very injuriously with respect to those agricultural labourers who had small gardens attached to their cottages, from which they formerly derived much benefit. They felt that, by the reduction of the duty on foreign fruit, the Legislature had committed an act of injustice towards them. They naturally enough said, " You will not take off the protection granted to the farmers and landowners, and why should you not also protect us, the agricultural labourers?" Those persons, he contended, had an undoubted claim on the Government for protection, and he hoped that her Majesty's Ministers would take the statements contained in the petition, which was most numerously and respectably signed, into their serious consideration.

The Earl of *Winchilsea* thought that this was a subject of very great importance; and, therefore, he should say a few words in support of the prayer of the petition, which was well worthy the consideration of her Majesty's Ministers. The present state of the law with respect to the importation of foreign fruit inflicted on the labouring class — on the poorer class—a very severe injury, and ought to be amended. He hoped, therefore, that his noble Friend would bring the subject distinctly before their Lordships.

Petition laid on the Table.

INSANE PRISONERS.] On the motion of the Marquess of *Normanby*, the House went into Committee on the Insane Prisoners' Bill. In Committee, the noble Lord said, he had a few amendments to propose, which should be printed, and could be taken into consideration hereafter.

The Duke of *Richmond* said, he objected to some of the provisions of the bill. He could not consent that those insane prisoners should be supported out of the rates. Under the Poor-law Bill, a father, who happened to have property, and whose child was in the workhouse, was obliged to allow something for its maintenance. Now, the parents of some of these insane prisoners might possess property, and he could not see why they should not be supported by them in like manner. Indeed, he could not see why a part of the expense should not be defrayed out of the consolidated fund; because, in many cases, where persons were acquitted on the ground of insanity, they were supported by the Government. It might be said, that a clause authorizing such a charge on the consolidated fund, could not be introduced in that House; but he supposed that his noble Friend had sufficient influence to have such a clause introduced elsewhere. It would be better to have the clauses printed and then for the bill to come on for consideration on a future day.

The Marquess of *Normanby* said, that the present bill did not contain anything either of novelty or difficulty: its only new provisions went to extend the powers of having lunatics transferred to lunatic asylums which already existed. He was not prepared to alter the bill in the way proposed by his noble Friend, in respect of charging upon the consolidated fund, the maintenance of persons under sentence of transportation who became insane.

House resumed.

Bill reported with amendments.

CHURCH EXTENSION—MERTHYR TYDVIL.] The Bishop of *Llandaff* presented a petition from the inhabitants of the parish of Merthyr Tydvil, where the iron works were more extensive than in any part of the country. In consequence of the enormous population that had sprung up of late years in that parish, which within the memory of man, was a rural parish, with not more than 1,000 inhabitants, the want of church accommodation was most seriously felt. Even since the commencement of the present century the population had increased from 4,000 to between 40,000 and 50,000, but no increased church accommodation had accompanied this increase of the people. Perhaps, the blame might be considered partly to rest upon those parties who had been the cause of increasing the population of the parish by bringing persons from all parts of the country to labour for their benefit. Still that would not acquit the Legislature if it neglected the duty which the existence of this state of things imposed upon it. If there was no legal mode of compelling the proprietors of the iron works at Merthyr Tydvil to supply a remedy for the evil that had arisen, it became the duty of the Legislature to take the subject into consideration, and endeavour (as the petitioners prayed) to devise some remedy for the evil complained of. The petition was signed by 1,750 persons, and they stated that, for the accommodation of so enormous a population as between 40,000 and 50,000, there was only a single church, which would contain no more than 1,200 persons. This statement applied strictly to the parish of Merthyr Tydvil. There was a member of the parish, now separated from it, containing about 1,200 inhabitants, in which there was also a church; still it was so small, that it would accommodate only 800 people. The sum of the case, therefore, was, that while there was only church room for 2,000 persons, there were nearly 50,000 persons for whom it ought to be provided. Ten years ago he had devoted his attention to this subject, and endeavoured to obtain some remedy by making an appeal to the owners of a building that had formerly been devoted to religious uses, but had since become desecrated, to allow it to be restored to its original purpose; but he received so decided a repulse, although couched in courteous terms, that he gave up the attempt to obtain a remedy from that quarter. The history of the origin of parish churches was so well known, that he need not trouble their Lordships with going into the subject; but he wished to show, by the closest analogy to the principle involved in the origin and rise of parish churches, that there was the most justifiable grounds for asserting this claim upon the property of those rich men who owned the soil in that populous district. It was well known that parish churches were built, in general, by the lords of the manor, who were the proprietors of the land, for the use of their humbler dependants; and that the churches were endowed by them by the setting apart of a portion of the produce of the land for the maintenance of the church, and the decent provision of the clergy. If this principle were good, and a portion of the produce of land above the soil were justly appropriated to the religious uses of the people, then he considered there was a strong and imperative claim upon those who were the owners of the wealth lying beneath the surface, which ought to be made equally available for the same purposes. The spot on which the petitioners were now settled was, during the last generation, a perfect solitude. Its present inhabitants had been brought there to work for the benefit of those who, by the labour of those persons, had become the owners of enormous wealth; and he considered the obligation of providing church-accommodation for the people chiefly lay on those who had been enriched by their labour. He did not believe, that all the individuals to whom he alluded were insensible to this obligation, but there were difficulties in the way. Companies had been formed, and some of the parties objected to the application of the common funds for such a purpose, saying that it was not legal. That doctrine might be true, nor could he say what legal measure could be adopted to meet this admitted evil. But it was a subject that he wished to be fairly submitted to the consideration of her Majesty's Government, who, of course, had the welfare and improvement of all parts of the country at heart. Events had recently occurred in that very neighbourhood which must have forced upon the attention of the Government the absolute necessity of improving the moral character of the people. Still he would not put this great question of maintaining a religious establishment upon the mere ground of forming a good police. There was a higher ground upon which he would place it, and one which all their Lordships would recognise—namely, that it was a duty which a Christian government was bound to perform. It had been objected by some that this spiritual destitution had been overstated; for although the parish church was not sufficient to accommodate the people, yet there were other religious communities by whom buildings were provided for religious instruction, in accordance with their own views and professions. That was perfectly true. He was in the habit of saying that it was well for the people of that district that the fact was so. There were many conventicles, some more and some less pure in their doctrines, and more or less objectionable in their proceedings. But with those had sprung up a most powerfully counteracting evil. For one new place of religious instruction, there were probably ten places opened for the promotion of vice and crime, in consequence of that most unwise measure called the Beer Bill. He had often said that he regarded these teachers of religion among the humbler classes as fellow-labourers in the same field, who acted as excellent supplementary instructors. Their exertions, though not directed in performing the work as he could in all respects wish, were infinitely better than leaving the work entirely undone. But as long as this country had an established Church, and as long as the Constitution recognised the Church in connection with the State, and as long as it was considered that the form of Christianity which the Church taught was the purest and the best, so long, he thought, it would follow as a corollary, that whatever public money might be appropriated for the purposes of religion, ought to flow into that channel, and be made to support that which they were convinced was the best and purest form of religion. He trusted, therefore, that let the petitions against any such measure be ever so numerous, an independent Legislature would act upon their own judgment as to what it was the duty of Government to do, and not be swayed by those popular clamours. The right rev. Prelate concluded by moving that the petition be read.

Petition read.

The Marquess of *Bute* begged to express his thanks to his right rev. Friend for the very able, and kind, and affectionate manner in which he had supported the prayer of these petitioners. There was not a single opinion advanced by his right rev. Friend in which he did not heartily concur. The inhabitants of Merthyr-Tydvil would feel much indebted to his right rev. Friend for his able advocacy of their cause this day. It was a singular fact, that the census of the population of Merthyr Tydvil in 1831 did not give the full number of the inhabitants of that parish. It so happened that the returns of the population were made within a few days after the riots there, and such had been the alarm created by those riots, that not less than 3,000 persons had left the town.

Rating of Stock in Trade.] Lord *Portman* had given notice of his intention to ask a question of his noble Friend at the head of the Home Department (the Marquess of Normanby) respecting the rating to the relief of the poor, but he had since thought it would be more convenient to move for a copy of the letter addressed by the Poor-law Commissioners to the churchwardens and overseers of the several parishes within this country, especially relating to the subject of rating stock in trade. This he believed to be as important a subject as any that could possibly engage their Lordships' attention, because it affected all the inhabitants, and particularly the rate-payers (who were now become a distinct people), in every parish. The Court of Queen's Bench, in the judgment given in the case of "The Queen *v.* Lumsdale," had decided, that stock in trade was liable to be, and must be rated under the statute of the 43d of Elizabeth, and subsequent statutes relating to the rating of the poor. The statute of Elizabeth was soon found to be so utterly impracticable, that it ceased to be acted upon, until the question was distinctly raised in the case he had mentioned, when the judges, he supposed, felt that they could not evade the question, and, therefore, decided that it was absolutely necessary that stock in trade should be rated. It was found also, that on looking at the statutes passed since the 43d of Elizabeth, that not only must the rate be formed upon the occupiers of visible property, but upon the inhabitants of the place according to their personal abilities. The statute of Elizabeth having been revived, the Poor-law Commissioners had given such instructions as they were able to give, to endeavour to facilitate carrying the act into effect; but no one who had seen those instructions could deny that it was almost impossible to act upon them, or that the most acute rate-maker could make a rate that should not be liable to be appealed against. There was another act, usually called Mr. Poulett Scrope's Act, which altogether lost sight of the personal liabilities of the rate-payer. That statute set up the rating of the hereditaments, making the rating of the property instead of rating the person. In the case of the Queen *v.* Lumsdale, the judges decided that both the 43d of Elizabeth, and Mr. P. Scrope's bill—the 6th and 7th of William 4th.—must be complied with in order to make a legal rate. This made it almost certain that any person who wished, might upset a rate on an appeal. It appeared that the only chance of having this evil remedied was that afforded by a notice given by the Attorney-general of his intention to insert a clause in the Poor-law Amendment Act Bill, to declare that stock in trade should not be rated. But there were two sorts of stock in trade—the stock in trade of the shopkeeper, and the stock in trade of the farmer. Now, the stock in trade of the farmer had never hitherto been rated. But there was a case pending in the Court of Queen's Bench, "The Queen *v.* Capel," in which the question of rating a farmer's stock in trade was raised in consequence of the judgment given in the case of "The King *v.* Joddrell," which appeared to be founded upon some politico-economical views of one of the judges, that seemed to have misled him, it being based upon the notion of the realisation of three rents by every tenant of land. These were some of the difficulties to which parties were subject upon this question. The remedy, on the whole, that had been suggested, though sufficient on one point, appeared to him to be quite inadequate on another. In fact, it would only touch one part of the subject. It was, no doubt, a very good provision, that in future the county rates should be paid by the board of guardians, who collected all the other money, to the collector of the county. This was an exceedingly good mode of getting the rate; but still it would leave all the difficulties which at present attended the assessment of it untouched. If he might venture to do so without the appearance of presumption, he would suggest a remedy, which he thought the best that could be adopted. What he would do was this—he would at once bring in a separate and distinct measure upon the subject. He would repeal all the existing laws relating to the assessment of property to the poor. He would repeal all laws which gave exemptions from the poor's rate, and would embody in one statute a clear and explicit description of what property should be rated, and what property exempted. He would provide a plain and simple schedule, which should be filled up by the rate-maker; in that respect following, as nearly as possible, the precedent which the Irish Poor-law Act had given; and which was very carefully framed upon the opinion of the judges. Placing in the hands of the rate-maker a plain and simple enactment of that description, all the difficulties and inconveniences under which the country was now suffering would be completely avoided. He thought it would be far better to take the property rated under the Irish Act, and to do away with the charges upon the person, as prescribed in statute 43d Elizabeth. He believed that his noble Friend would find it less difficult to introduce a distinct measure, such as that which he had suggested, than to effect a satisfactory amendment of existing statutes.

The Marquess of *Normanby* had no objection to the production of the paper for which his noble Friend had moved; and, in assenting to the production of it, he begged to offer to his noble Friend his best thanks for the very clear statement he had made of the views his noble Friend entertained upon this most important subject. As his noble Friend, however, had only given notice of an intention to put a short question, he was not prepared for so detailed a statement of his views and opinions upon the subject. Under these circumstances, he was sure his noble Friend would feel that it would be premature on his part, if he were now to make any declaration as to the course that Government might deem it expedient to adopt. Neither did he think it desirable that they should enter into a discussion in that place, of the grounds upon which the judges had given their judgment. His noble Friend had urged the propriety of delaying any legislation upon the subject, until the judges had pronounced judgment in a case now pending, and which might materially influence the provisions of any new law that might be proposed. He was not blind to the difficulties by which the question was surrounded, but, at the same time, he would remind his noble Friend that the Government were very much urged to adopt some immediate practical measure which should have the effect of remedying the very great inconvenience that was found to result from a judgment some short time since pronounced by one of the courts of law. He was not at present prepared to state to what extent the proposition of the Government would go, but it was thought expedient to give as speedy a remedy as possible for the inconvenience which had arisen in consequence of the sudden revival of a statute which had long lain dormant. He assured his noble Friend that the whole subject would be well considered in any enactment that the Government might propose. He had had the matter for some time under consideration, and although at that moment he did not wish to pronounce a decided opinion upon it, he must admit that he was not quite sure whether the best plan would not be to introduce a separate measure, for the purpose of remedying the evils complained of. His noble Friend might rest satisfied that none of the points to which he had adverted would escape a careful consideration.

The Duke of *Richmond* was delighted that the noble Baron had brought this subject under their Lordships' consideration; and not less delighted to find that the noble Marquess, the Secretary of State for the Home Department, thought it would be desirable to bring in a separate bill upon the subject. He was quite sure that that would be the best way of dealing with the question. Their Lordships would not be doing justice if they altered only that part of the existing law which related to stock in trade. Because, he for one—although he thought the stock in trade of the shopkeeper ought not to be rated, still if a bill should come up to their Lordships, which did not prevent the stock of the farmer from being rated, he should be very apt to try to persuade their Lordships to throw it out. He wished to see perfect fair play between these parties. The land was rated already, and it was therefore most unfair to rate the stock, without which the land would be worth little or nothing. He trusted that the noble Marquess would not attempt to deal with the difficulty by the introduction of any half measure; but that he would at once introduce such a comprehensive law as should set the matter at rest, and put an end to inconveniences that every hour's delay rendered more intolerable. Considering how much there was to do in another place, he would suggest to the noble Marquess, that it would be well if he were to move for the appointment of a select committee of their Lordships, to inquire into this subject. He knew it might be said that as the question related to taxation, their Lordships could have nothing to do with it—at least, could take no initiative step; but he apprehended that there was nothing to prevent their inquiring into the subject, so that they might be enabled to deal with it to greater advantage, when it came before them in the regular course. Having thrown out this suggestion, he would say no more than that he entirely concurred with his noble Friend as to the very great importance of having this question set at rest in the course of the present Session of Parliament.

Lord *Ashburton* thought that some general measure should be introduced to remove existing difficulties, to specify distinctly the description of property to be rated, and to do justice to all parties. It was absolutely requisite that some clear, intelligible, and definite law should be passed upon the subject before the close of the present Session.

Motion agreed to.

HOUSE OF COMMONS,

Friday, May 22, 1840

MINUTES.] Petitions presented. By Mr. Vigors, Mr. Macaulay, Mr. Villiers, and Mr. Grote, from Newry, Dundee, Islington, Edinburgh, and various other places, for a Repeal of the Corn-laws.—By Mr. Currie, from Northampton, for the Abolition of Church Rates.—By Mr. Hutton, from Dublin, in favour of the Chimney Sweepers Bill.—By Mr. Bridgman, from Ennis, against the Irish Registration Bill.—By Mr. O'Connor Don, from Roscommon, against the Irish Registration Bill.—By Colonel Verner, from Bannagher, against the Flour Importation (Ireland) Bill.—By Admiral Adam, from Kinross, for the Separation of Church and State.—By Mr. Maunsell, from a place in Northampton, for the Exclusion of Roman Catholics from Parliament.—By Mr. Ewart, from the Dissenters of Wigan, against Church Extension, and for the Total Extinction of Church-rates.

PRIVILEGE—VOTING AFTER ACCEPTING OFFICE.] Sir *G. Clerk* said: Sir, I beg leave to call the attention of the House to a matter deeply affecting the privileges of the House. A new writ was moved for yesterday in the room of Mr. Horsman, late Member for Cockermouth, on the ground that the hon. and learned Gentleman had accepted the situation of a Lord of the Treasury. I hold in my hand an address to the electors and non-electors of Cockermouth, signed "Edward Horsman," and dated "London, May the 18th." Sir, I wish to call the attention of the House to the terms of that address. It commences as follows:—

> "Gentlemen, I have been offered the appointment of a Lord of the Treasury, and from the manner in which the offer was made, I have felt it my duty to accept it. It is therefore necessary that I should appeal to you for your approval of the step which I have resolved to take."

The hon. Member, after proceeding to explain his public principles, and after stating that he held, in common with the right hon. Gentleman, the Member for Edinburgh (Mr. Macaulay), that it was the duty of every public man to be ready on every occasion to lend his best efforts, when he could be useful, to assist the party with which he acted, and after stating that it was owing to an adherence to his principles that the offer was made, the hon. Member goes on to state:—

> "I have accepted the offer, not only as a distinction to myself, but as a compliment to those whom I represent. The moment, therefore, the debate on the Irish Registration Bill is over, I shall present myself to you."

Sir, I beg leave to state, that this address was sent up to me this morning from Cockermouth, and was printed and circulated there on Wednesday last, and on Thursday morning, after dictating this address on Monday, and after the publication of it on Wednesday, in which the hon. and learned Gentleman stated especially that he had accepted office, he still continued to sit and vote in this House. The words are these:—

> "I have been offered the appointment of a Lord of the Treasury, and, from the manner in which the offer has been made, I have felt it my duty to accept it."

It is perfectly clear that the hon. and learned Gentleman himself knew the consequences that would necessarily follow, namely, an appeal to his constituents for their approval, and yet he states afterwards, that having accepted the offer made to him, not only as a distinction to himself, but as a compliment to his constituents, that he would remain in London till the debate on the Irish Registration Bill was over. I ask any Member whether he can have a doubt, after hearing the expressions used by the hon. and learned Gentleman, that he had accepted office on Monday last, and that he anticipated, as, I have not the least doubt, did the right hon. Gentleman and the noble Lord opposite, that the discussion would have closed on that day, and that he considered that there would be no harm in announcing his acceptance of office to his former constituents. I beg to call the attention of the House to the very serious consequences that may arise from a case of this kind being passed over. It might have happened, as it very nearly happened on the present occasion, that the fate of the Irish Registration Bill might have been decided by a single vote, and I ask, in what condition would the House be if they found that the fate of the bill had been decided adversely by the vote of a Gentleman who, having accepted office, had no longer a right to sit and vote in that House? The least, the mildest step which the House could take, would be to do what had been done in similar cases, when votes which had been counted had been disallowed, as the parties voting had no right to sit in the House. The mere acceptance of office vacated a seat as effectually as if the party had naturally died, and his vote would be precisely in the same situation as if a gentleman had come and personated him, and voted in his stead. The consequences towards the hon. and learned Gentleman himself were very serious. Independent of any step which the House may take, he lies at the mercy of any common informer who may choose to sue him for the penalties which he has incurred by voting when he had no right to vote. Although the House had taken care to protect its printer and Sergeant-at-Arms from the vexatious suits of Messrs. Stockdale and Howard, those two gentlemen, feeling the severity with which they were punished, may avail themselves of this opportunity to take proceedings against a Member of that House. I know it is impossible to call upon the House to take any judicial step at the present moment, because we have no proof of the authenticity of the genuineness of the address. There is certainly very strong *prima facie* evidence of its genuineness. It was circulated at Cockermouth on the day he had mentioned, and whatever might be said of the folks farther north, he did not know that the people of Cumberland were gifted with second sight. The printer might be called to show upon what authority he had printed the address. Before taking this or any further proceeding, he wished to know from the noble Lord opposite, or from the Chancellor of the Exchequer, or from the Secretary of the Treasury, at what time this offer was made to Mr. Horsman, and whether that Gentleman had accepted the offer on Monday last?

Lord *John Russell:* Of course the hon Baronet is quite correct in stating that the House cannot take any step, whatever the law may be, upon the document which he has read. With respect to the question which the hon. Gentleman has asked, my answer certainly will not be of a very precise description. All I have to say is, that having come to town on Monday afternoon, on Tuesday Lord Melbourne informed me that he had made an offer to Mr. Horsman, and he stated, that that Gentleman seemed inclined to accept it. That is the utmost amount that passed. I left Lord Melbourne immediately afterwards, and I have no further information with respect to the subject. Of course I cannot say anything with regard to the general law respecting appointments to office.

REGISTRATION OF VOTERS (IRELAND)—PUBLIC BUSINESS.] Lord *Stanley* said, that before proceeding with the business of the day, for the convenience of the House, he begged to move the order of the day for the Committee upon the Irish Registration Bill, in order that he might postpone it.

On the question, the order of the day be now read,

Lord *John Russell* said, that this seemed to him to be rather an extraordinary course to adopt. This was the day usually appropriated to the Government. Notice had been already given, that the bill with regard to the taxes would be brought on tonight the first thing, but the first question with regard to this order might be one of debate.

Lord *Stanley* did not suppose that it would make much difference, whether the notice of the postponement was given now, or at some subsequent time. He wished to take the earliest opportunity of stating to the House the course which he intended to pursue as to bringing on his bill, because he was confident that there was no measure which was better entitled to the gravest and most serious consideration of the House. On Wednesday next, he should not be able to bring it forward, because there were already so many orders of the day fixed for consideration on that day. On the following Wednesday, it was not likely that there would be a very full attendance of Members, if, indeed, the House met at all; and he had, therefore, determined to fix his bill for the next day, Thursday, June 4th, the Thursday after the 1st of June, by a vote of the House, having been appropriated to orders instead of notices.

Lord *J. Russell* might as well state the course he proposed to pursue with respect to that subject. It was, as the noble Lord observed, a very important question; and, if the question of registration was to be taken up, of course it would have a considerable effect with respect to the general business of the Session. He had already proposed, that the Thursdays after the 1st of June should be taken with a view to enable the bills to be proceeded with which had been introduced by the Members of her Majesty's Government, and some of which were of great importance, more especially the bills regarding Canada, the bill for the continuance of the Poor-law, and the bill with regard to ecclesiastical duties and revenues. These subjects being before the House, it certainly had not been his intention to have proceeded so early with the Registration Bill: but, agreeing with the noble Lord that it was a very important subject, if the noble Lord proposed that that matter was to be discussed on Thursday, the 4th of June—thereby taking certainly a day intended for other business—he must consider what course he would take with regard to that very important subject. He did not think it would be either for the convenience of the House, or favourable to the discussion upon the bills, that the House should take the subject into consideration without having before it the proposals he had to make with regard to it. It was, therefore, his intention to lay before the House, on Tuesday next, his bill for the Registration of Voters in England; and his hon. and learned Friend, the Solicitor-general for Ireland, would move, on the same day, for leave to bring in a bill with regard to the Registration of Voters in Ireland. He might be obliged to postpone other bills, which he thought were of very great importance, in consequence of the noble Lord's pressing the subject of registration before the House. He did not think, however, that he had a choice on the subject; but, at the same time, he felt it was absolutely necessary he should ask for the opinion of the House with regard to the settlement of the affairs of Canada. It was his duty, of course, from the present office he held, and still more from the deep importance of the question, to take care that that subject should meet with the speedy consideration of the House. But certainly the next subject which he should endeavour to press upon the consideration of the House were the bills with respect to the registration; and he should ask the House for its opinion upon the principles contained in those bills, and the clauses they would embody. The House would, then, be able to decide fairly upon the question, for he did not think that hon. Members had, on the last occasion, on which this question was discussed, and still less on the former occasion, an opportunity of weighing the reasons that might be given for one set of proposals or the other. But when the noble Lord proposed that the House should go into Committee on Thursday the 4th of June, he should, in some way or other (he would not say in what manner), ask for the opinion and decision of the House with regard to the various proposals on this subject, which, as he conceived, did really involve the question, whether the House meant to put a large and liberal construction upon the powers of the Reform Bill, or whether, on the other hand, the House would determine to contract those powers to the greatest possible extent.

Lord *Stanley* wished to know from the noble Lord, whether it were his intention to bring forward any motion for the purpose, for the third time, of offering opposition to going into Committee on this bill? With regard to the comparison between the bills, which it appeared they were now to have on the part of her Majesty's Government, and that which he had had the honour of suggesting to the House, he should now only say that he would not, on his part, offer the least opposition to the Solicitor-general for Ireland introducing his bill on Tuesday; but he must declare that it would be a source of great gratification to him to see the manner in which the Government proposed to carry out their plan of registration, although, he must say, that he thought it would have tended more to save the time of the House, and to save the discussions which had taken place, if, after the long notice which had been given of his measure, the bills which were now to be produced had been laid upon the table at an earlier period of the Session, instead of there being now brought forward to obstruct the measure which he had introduced. As to the day which he had selected, he was not aware, that when the House had come to the resolution that orders of the day should take precedence of motions on Thursdays, it had determined that the Government should have three days out of the five for the purpose of bringing forward its bills, but still less did he imagine that this objection would be raised, when he found that Wednesday, the 3rd of June, being occupied by Government bills, the following Wednesday, the 10th of June, was the only day left open to him. He should hardly believe, therefore, in the first place, that it was the intention of the Government to monopolise all three days; and, in the next place, that having all those three days occupied by orders of their own, they should seek to deprive him of that day. He begged to inquire, therefore, whether the noble Lord intended to bring forward his motion in the form of an amendment to that which he proposed?

Lord *J. Russell* must beg to say a few words with respect to the last observations which had fallen from the noble Lord opposite, and he really wished to assure the noble Lord that no intention existed on his part to monopolise the Wednesday. As to what the noble Lord had said with respect to this bill, he begged leave to point out to him that, of course, if there were a certain number of bills introduced by the Government, and if, in addition to those, three or four others should be introduced, all upon very important subjects, it would not conduce to the passing the Government bills through the House. The noble Lord had asked him whether he meant to interpose any proposal, in order to obstruct him in his carrying the question that the Speaker leave the Chair in the Registration of Voters' Bill. He begged to say, without exactly pledging himself to the course which he should take, that he should think himself perfectly at liberty to move any other of these bills relating to the registration to be considered in Committee in preference to that of the noble Lord's. He did not, at the same time, however, pledge himself to any particular course. If they could see that it was better to consider the bill of the noble Lord before any other, that bill having already received the sanction of the House, so far as to its going into Committee, he should hold himself quite at liberty to take that course; but he really thought that it was rather too much that these denunciations against obstructions should come from hon. Members opposite, who were themselves the first persons to threaten the Government with an obstruction of public business.

Dr. *Lefroy* rose to request the attention of the House to a matter connected with this subject, upon which he conceived that he was bound to say a few words to the House. It would be in the recollection of the House, that upon the debate the other evening upon this bill, a statement had been made by the hon. Member for Kerry as to certain evidence produced before the fictitious votes committee for Ireland. The evidence which that hon. Member had stated to the House related to certain leases made on a part of his (Dr. Lefroy's) property in the county of Longford; and it had been referred to with the view of showing that the leases were valueless for the purpose of voting, and that the tenants who had sworn were, therefore, guilty of perjury, and he had been accessory to the crime. He did not mean to say that the hon. Member had travelled out of the privilege or duty; but when the House had heard the charge, and when the hon. Member had thought fit to make it, considering its grave and serious nature, he thought that the House would now allow him an opportunity of giving an answer to it. He certainly should have expected that when a charge of this nature was brought before the House, the hon. Member would have laid all the evidence before them which fairly related to it; but he contended that the most important part of it was omitted. At the time when these leases were made, a certain part of the property, occupied by Roman Catholics, being out of lease, it was determined, instead of putting them off the property, to give them new leases. But at that time the country was in a peculiar state of excitement, produced by intimidation; and he would now call the attention of the House to the particular evidence in relation to this subject. The witness, Thomas Courtenay, had been examined with respect to the leases; and he was asked:—

"With respect to leaving in Roman Catholics and not bringing in Protestants upon the estate?—There is not a single Protestant upon that part with respect to which I was asked about the leases. Only two deaths had taken place, and the widow had been left in at the same rent, though in setting the farm, I desired the surveyor, who is a very experienced person, to give me a return of what he thought the land was worth, without reference to the registration, and in every instance I made an abatement from the rent he laid on to enable the tenants to register. On suggesting to Mr. Lefroy that these men should not be disturbed in their holdings, I recommended some covenant should be shaped, in protection to them, that they could say, if wanted to be forced to poll against his interest, there was something or other which stood between them and their doing so. I believe it was in consequence of that suggestion that those covenants were introduced.

"Then those covenants were introduced as a protection to the tenants, that they might have an excuse to those who pressed them to act against the wishes of their landlord and their own wishes?—Certainly; as a protection to the tenant.

"Now, from your acquaintance with the estate, have you any doubt the wish of the tenants would have been to have gone in accordance with the wishes of their landlord upon all occasions, if they had been left to their own free choice?—My own opinion is they would."

These were the tenants who held the leases which were alleged as being calculated to give fictitious votes. With respect to the influence at that time employed over the tenants, the same witness was asked:—

"Is there any reason why those tenants should have been disposed, if they had been left to the exercise of their own feelings and judgment, to have acted against their landlord?—I think not.

"How did the remaining tenants act; did any others go against their landlord; I think you said there were sixteen altogether?—Yes; I remember polling every man of them.

"Chairman: With the exception of Burne and Cunningham?—Without any exception.

"Upon a former occasion?—Yes; the excitement might not have been so great. These men might have been induced to go against their landlord in consequence of intimidation, of graves being dug opposite the houses of some of the voters.

"Graves were dug opposite to the houses of some of the voters?—Yes, in this townland of Driminacreeher; on the other townland of Derrihelin, upon which the six voters were, some were obliged to go from their houses and conceal themselves.

"Mr. Lefroy: Upon that townland, after the last election, were not the tenants refused assistance to mow their land?—I understood the labourers would not assist to take their crops out, to reap their corn; but I did not hear of any thing else. They told me they dare not go out to fair or market; they all voted with their landlord.

"Mr. O'Connell: Have any been actually injured?—Not personally; they have been injured in pocket, so far that they could not get their corn purchased in the town of Drumleish when they brought it there, and in other instances they were obliged to send it out in strangers' names, that they should not tell who it belonged to.

"But their persons have not been injured?—Not that I know of.

"Nor their property, by any violence?—Yes, their houses were attacked; I made them an allowance for their windows, which they said had been broken and their doors smashed in.

"Was that before or after the election?—It was after."

The intimidation that had been resorted to, accounted for the introduction of the covenant; nevertheless, it had been alleged, that the leases were invalid, that the tenants who had qualified under them had been guilty of perjury, to which the landlord was accessory. One circumstance, which more especially showed the absurdity of the accusation which had been made, was, that although the leases in question were all produced at a very strongly contested registry, over which a gentleman presided as revising barrister who was never suspected of any attachment to Conservative principles, the validity of them was never once contested. Was it likely that, had they been invalid, the revising barrister, under such circumstances, would have allowed the tenants who claimed under them, to be placed on the registry? Two petitions also were presented against the return of the Members for whom these tenants voted, but no charge was made of the invalidity of these leases, which would certainly have been done had any ground existed, as the petitioning candidate had only been beaten by a majority of two, which majority proof of the invalidity of the leases would have destroyed. He thought these facts ought to satisfy the House that the leases were not invalid, and that the qualifications were sound. He would stake his professional character that the leases were not invalid. In addition to this, some of the most eminent conveyancers on this side of the water were of opinion, that the covenants in question did not in any respect invalidate the leases.

Mr. *M. J. O'Connell* said, that his objection was, that the voters could not be entitled to the franchise when they were subject to be turned out by their landlords at six months' notice. In answer to the opinion of the right hon. Gentleman, he would only observe, that the question of the validity of one of these qualifications was brought before Mr. Tighe, the assistant-barrister for the county of Longford, who rejected it on the ground referred to.

Mr. Sergeant *Jackson* could state an additional fact to that stated by the hon. Member for Kerry; and that was, that on Mr. Tighe returning to Dublin, and conferring with other Members of the legal profession, he became convinced that his decision in the case in question was erroneous, and he intimated that if the same claims were brought forward again, he would admit them.

Sir *M. Chapman* begged to contradict, from beginning to end, the statement of the learned Sergeant. So far from Mr. Tighe having any doubt of his decision, he still adhered to it. Not a single appeal had been lodged against them. He regretted that he had not with him a letter which he had received from Mr. Tighe, but he would be happy to afford the right hon. Gentleman, or the learned Sergeant, an opportunity of seeing it.

Order of the day discharged, and the committee was fixed for the 4th of June.

DUTIES ON ROUGH RICE.] The *Chancellor of the Exchequer* having moved the order of the day for the second reading of the Customs, &c., Duties' Bill,

Mr. *Herries* said, he would take that opportunity of addressing some observations to the House on a subject to which he had before called the attention of hon. Members in moving for certain papers which had since been laid upon the table. The subject was intimately connected with the bill the second reading of which had just been moved by the right hon. Gentleman, the Chancellor of the Exchequer, and he felt that it would be most convenient to avail himself of that opportunity for offering the remarks which he had to make for the consideration of the House. Before he sat down, he hoped he should be able to satisfy the House and the Government, that there had been on this subject a great mistake committed, and great injustice done, and that no time ought to be lost in affording a remedy. The papers for which he had moved were printed under the title of "Rough Rice," and he could assure the House, that they would be found well worthy of the most attentive consideration. The subject to which he wished to call attention involved three most important points. In the first place, the interests of our anti-slavery establishments on the western coast of Africa were deeply involved in this question. In the second place, a number of British merchants who had been for two years clamouring at the doors of the Treasury for the repayment of duties which had been unjustly exacted from them, were seriously interested in this matter; and in the third place, the character of that House and of the country was, to a certain extent, involved by the protracted delay which had taken place in fulfilling the engagements contained in the treaties into which we had entered with the United States. The facts of the case were simply these:—In 1833 a general act of customs was passed, in which a duty was imposed on rough rice imported into this country. That duty was fixed at 20*s.* a quarter on rice imported from all foreign states, and at 1*d.* on rice imported from British possessions. Between that period and the time when the first alterations were made in the statute, many merchants connected with the western coast of Africa had imported rice from that part of the world on which the lower rate of duty was charged. It was imported in its rough state, and mills were erected to prepare it for home consumption, as the merchants considered that the produce of our anti-slavery establishments would be generally encouraged. In their endeavours to draw rice from those establishments, an impediment arose from a difficulty as to the import of the term "British possessions." All the rice imported was not produced within the pale, which was of a very limited extent; and in regard to what was produced beyond the pale, a question was raised whether it could be admitted at the lower duty of 1*d.* In consequence of this difficulty, the merchants applied to the Treasury, and solicited the Government to pass an act declaring the reduced duty to apply to all rice the produce of any plantation on the western coast of Africa, imported from a British settlement. An act was accordingly passed in 1835, by which an alteration was made in the original statute. The act of 1835 was thus worded—"Rough rice or paddy, the produce of the west coast of Africa, and imported from some British possession." This provision answered all the purposes of the merchants. It gave a decided advantage to the British possessions over America and other quarters. It was also to be borne in mind that a great quantity of the best rice consumed in this country was brought from Carolina. Thus a system greatly in favour of our own growers was established. But the next year, without any interposition on their part, they found an Act of Parliament introduced in the absence of any notice, in which the system was materially altered, and the whole effect of the change which had been so satisfactorily made in their favour was destroyed by these words introduced into the new act—"Rice rough and in the husk, imported from the west coast of Africa." By these words it was decided that the importation might take place from every part of the coast. The body of merchants remonstrated with her Majesty's Ministers, but without effect. They memorialized the Lords of the Treasury, through Mr. G. F. Young, requesting that the *bonus* of diminished duty might be limited to the British settlements on the west coast of Africa. But the new arrangement was proceeded with, notwithstanding this remonstrance. A similar change was made in the article of beeswax. The Treasury persisted in making the alteration, and the consequence was, that since that period the importation of rough rice had been made from America. A memorial had been sent to the Lords of the Treasury, and the answer was unsatisfactory. A second memorial was sent in about six months since, and most respectfully worded, but to this memorial no answer had been received. An application was made to the Chancellor of the Exchequer on the subject, and here was the answer under his own hand, and very laconic it was:—"It appears that no answer has been returned by the Treasury to this communication." Now in his opinion, if they could not answer the arguments of the memorialists, they should have done them justice; and if they could, why not answer the memorial? For two years the merchants had been able to procure no satisfactory reply to their repeated applications. Several of the parties, finding that they were likely to meet with no redress from England, applied to the American minister. He communicated with the Secretary of State, who, three months afterwards, applied to Lord Palmerston, whose answer was, that

> "The papers had been sent to the Lords of the Treasury, and that their Lordships informed him that they were referred to the law officers of the Crown for their opinion."

It was now perfectly clear that there was not the slightest chance of these parties obtaining that justice which was unquestionably due to them. This was no trivial matter; it had cost these parties 20,000*l*. The character of the country was at stake. The present arrangement rendered it impossible for our settlements on the west coast of Africa to compete with America; and this was at a time when the slightest suspicion of shrinking from the maintenance of our international rights ought to be avoided. On these grounds he hoped that his having called the notice of the House and of her Majesty's Government to this subject would be sufficient to produce a remedy for these grievances. If he should not get a satisfactory explanation now from the right hon. Gentleman, he should on a future occasion take a more formal step in order to procure it.

The *Chancellor of the Exchequer* was understood to complain of the great inconvenience which would ensue from raising a discussion on this case, on the application of interested parties, whilst negotiations were pending on it between the government of America and the British Government. He could not pretend to say what representations had been made by the memorialists to the late President of the Board of Trade, who was now in Canada; but, as far as the Treasury was concerned, he could declare that no such representations as the right hon. Gentleman had intimated had been made to any officer of that department. To the question which had been raised by the right hon. Gentlemen opposite, he should not give any reply, for it was a question for the American Government to raise, which had not pressed it. The great object, when the slave trade was abolished, had been to protect and encourage the produce of the western coast of Africa, in order to allure the natives from their sanguinary feuds to habits of peace, order, and civilization. The rice might not be grown in our settlements but if it were imported from the neighbouring districts into our settlements, and thence into England, it was liable to the lower duty only. He trusted, that the case would not be pressed in a tone which would compel the Legislature to go back to our former prohibition, and which would prevent the small boon that had been given to these unfortunate Africans from being continued to them. The American government had certainly made a representation to our Government upon the subject, and some conversation between himself and the American minister had taken place, but the American government had not pressed the matter.

Mr. *Herries* complained that no answer had been given to some of his objections, which might have been answered without inconvenience to the public service. The mere declaration that "we would persist in our determination" was not a sufficient answer to the memorialists. They ought to be informed of the grounds on which that determination was founded.

The *Chancellor of the Exchequer* admitted that no argumentative answer had been given to them, and further, he admitted, that that argumentative answer had been advisedly refused. He did not conceive it to be consistent with his duty to argue the construction of a public treaty with individual parties, however influential or respectable they might be.

Sir *R. Peel* would give no opinion on the justice of this claim, for he had not examined it. He wished, however to call the attention of the House to one point. The right hon. Gentleman opposite seemed to consider that it rested with the United States whether they would wave their claim under the treaty in favour of their own subjects or not. Was that a construction which a merchant was justified in raising under a public treaty? The act said, that rice imported from the western coast of Africa should be liable to the less duty. Now, if a British merchant invested his capital in the United States, and imported rice in American vessels from the western coast of Africa, the question was, whether he was not entitled to the advantage of the treaty, even though the American government should consent to wave its claim under that treaty?

Mr. *Labouchere* said, that looking at the strict letter of the treaty, we should be perfectly justified in that view of the case on which Government had proceeded in the present instance; but a question might, perhaps, arise under other circumstances, whether we had not taken an indirect mode of violating the spirit of the treaty, which would render it a matter of fair and just complaint against us by the foreign state. He had never heard any speech with greater surprise than that of the right hon. Member for Harwich, knowing, as he did, the right hon. Gentleman's extensive knowledge of the subject and long official experience. The question, he conceived, lay in a nutshell. It was simply this, whether it were in the power of this country, consistently with existing reciprocity treaties, to give an advantage, not to the produce of a particular country, but to articles shipped at a particular port. If they looked to what had been the practice long recognised and concurred in by all the commercial countries with which we had treaties, it would be found that this principle was constantly acted on to a great extent without complaint from this House, or from any other quarter. It was well known that foreign timber was taken to ports of our own colonies, for the purpose of being shipped to this country as colonial timber. So also the great proportion of the potash imported from Canadian harbours, he believed, came originally from the United States. It was well understood that the lowering of the duty on African rice was not meant as a commercial or political measure, but as a step towards the civilization of central Africa, by opening the way to a more extended intercourse with that continent. No doubt it was possible to suppose that the practice to which he had alluded might be abused, but he could not think that this was a case in which that was to be apprehended. He must say that he thought the view taken by the right hon. Gentleman opposite was totally in contradiction to all the principles of our foreign policy, as well as to the circumstances of the present case.

Mr. *Goulburn* said, the question was, were we at liberty, under existing treaties with the United States, to give to the produce of the empire of Morocco, with which we had no particular connexion, an advantage denied to the commerce of the United States.

Subject dropped.

CUSTOMS DUTIES—TIMBER.] On the question that the Customs Duties' Bill be read a second time.

Mr. *Warburton* said, with regard to some of the details in this bill, he believed the right hon. Gentleman's expectation of an increase of revenue from an increase of duty, would be disappointed. The effect of the alteration of duties on timber would be to raise the price of Baltic timber more than that of colonial timber, and therefore to diminish the importation of the former and increase the quantity of the latter, which paid a duty so much lower. The present revenue from timber was as follows:—

American, 700,000 loads at 7*s*. 8*d*.	£263,333
European, 450,000 ,, at 44*s*. 6*d*.	1,001,250
Total	£1,264,583

The Chancellor of the Exchequer expected an increase of 63,228*l*., from the following calcalation, at the increased duty:—

American, 700,000 loads, at 8*s*. 0*d*.	£276,499
European, 450,000 ,, at 46*s*. 9*d*.	1,051,312
	1,327,811
Deduct present revenue . .	1,264,583
Expected increase	£63,228

This calculation supposed that the quantities imported from the colonies and the Baltic would continue unaltered; but it appeared to him clear that the greater increase of duty on Baltic timber, compared with that on colonial, would diminish the import of the former at least 10 per cent., and increase the import of the latter in the same proportion. The consequence would be a positive loss of revenue to the amount of 72,184*l*., as appeared from the following calculation:—

American, 770,000 loads, at 8*s*. 0*d*.	£304,149
European, 380,000 ,, at 46*s*. 9*d*.	888,250
Revenue upon this supposition . .	1,192,399
Loss in consequence of the change	72,184
Present revenue	£1,264,583

Therefore, adding the increase expected by the Chancellor of the Exchequer, 63,228*l*., to the loss which this calculation showed, 72,184*l*., it would appear that the revenue would really fall short of the right hon. Gentleman's expectations by the sum of 135,412*l*. If the hon. Gentleman had altered the duty in a different manner, he might have obtained a large increase of revenue, and, at the same time, introduced a better article into this country. The differential duty on Baltic timber was 45*s*. The difference of freight between the Baltic and the colonies was 20*s*., and the duty was 25*s*. Besides the protection to the shipowner from the difference of freight of 20*s*., it was thought necessary to give the additional duty of 25*s*. The original cost of timber from the Baltic was 20*s*., and therefore the duty was 125 per cent. on the price. Our own manufactures were in some cases protected by a duty of 40 per cent., and it was thought very high; but the shipowner, not content with a protection of 100 per cent. on the freight, required also a duty of 125 per cent. If the right hon. Gentleman, without going the whole length which the committee recommended, had raised the duty on colonial timber to 20*s*., it would have caused a reduction of the amount imported, probably from 700,000 loads to 600,000 loads, but that amount, with the increased duty, would yield a revenue of 600,000*l*. It might be calculated that the increase of Baltic timber would be from 450,000 loads to 550,000 loads, and the revenue from this source, which would be 1,323,250*l*., added to the the other, would give a total revenue of 1,923,250*l*., or an increase upon the present revenue of 658,657*l*., and this without taxing any body, and at the same time introducing better timber. It appeared to him that unless they turned over a new leaf, and availed themselves of advantages of this kind, they must have a new Chancellor of the Exchequer.

Captain *Gordon* objected not only to the increased duty of 5 per cent. indiscriminately laid on all articles at present subjected to tax, but also to the mode in which it was proposed to be levied. Neither could he agree with that particular part of the plan of the right hon. Gentleman the Chancellor of the Exchequer which imposed only 5 per cent. additional on spirits manufactured in England, while it added from 14 to 15 per cent. on spirits distilled in Scotland, and, he believed, also in Ireland. And he could assure the right hon. Gentleman, that if he hoped for additional revenue from this additional duty on those articles, he would find himself miserably deceived. The same plan was tried in 1830 by the right hon. Member for the University of Cambridge, and it failed to such an extent that his successor was obliged to repeal it. But the right hon. Gentleman was not alone laying the foundation of a deficient revenue from these articles of industry, he was also about to renew the demoralising system of illicit distillation, for that would be the inevitable result, by bringing foreign manufactured spirits into competition with home-made spirits, by reducing the duty on French brandy 50 per cent. as the right hon. Gentleman proposed. He would not oppose the second reading of the bill; but he should be prepared to propose some amendments in committee, which would go to effect the object he had in view—namely, the equalization of the duty, and the protection of the home trade in spirits.

Mr. *William Williams* said, that the right hon. Gentleman, the Chancellor of the Exchequer, had laid the state of the finances before the country in a manner most clear and intelligible. He could not, however, agree as to the necessity for the increased expenditure which had led to the proposal of additional taxes. He did not see the necessity for the increase since 1836. When the increase of the army and the police was proposed last year, they were told that the reason was, the state of public opinion. But that reason had ceased, for there were no manifestations now like those of last year. The expenditure in 1835, was 45,000,000*l.*; and in 1839, 49,300,000*l.*, showing an increase of 4,000,000*l.*, within five years. That part of the expenditure which related to the interest of the debt being fixed, there was, in fact, an increase on the ordinary expenses of 3,600,000*l.*, or from 16,219,000*l.* to 19,800,000*l.* What became of the noble Lord's statement, that the Reform Bill would give the country a cheaper government? The expenditure in 1831 was about 47,000,000*l.*, and that of last year was over 49,000,000*l.* In other words, after twenty-five years of peace, there was an increase, under a Reformed Parliament, of more than two millions over the expenditure under the old boroughmonger Parliament. He could not give his consent in time of peace to any other than a property-tax. It was his opinion that so long as the taxes were thrown on the backs of the people at large, that House would never have any regard to economy. If Members, and the class to which they belonged, were made to feel the pressure of taxation, they would then, and, he believed, not till then, look around them and see how the [illegible] could be reduced. The poor paid upon many articles more than double the rich. The articles that were taxed, and on the consumption of which the pressure was most felt by the poor, were British and foreign spirits, hops, tea, coffee, tobacco, snuff, cheese, corn, cotton, sheep's wool, tallow, excise licenses. It was to be recollected, too, that the poor used an inferior article, while the rich used only that which was good; and yet the same tax was paid upon the indifferent as the superior article. The hon. Member concluded by moving that the bill be read that day six months.

Mr. *Hume* observed that his hon. Friend was obliged to make this motion, as, to attain his object, he could not do otherwise, according to the rules of the House. He agreed with his hon. Friend in thinking that the taxes proposed pressed particularly upon the middle and working classes of society. He observed, that in every country but in England the land paid from 25 to 40 per cent. on the whole of the taxes of the state. And yet this happened in a country where the landed aristocracy were the richest in the world, and where they claimed exclusive privileges for themselves, and substantially possessed themselves of the powers of Government. And while they did this the English aristocracy paid no tax upon their land. He had before referred to the aristocracy avoiding the tax upon real property. He found that two bills were prepared at the same time—in November, 1795; one imposing a tax upon personal property was passed, while the other, which would have taxed real property, was rejected. He now found that at the very time that the working classes were most distressed, new taxes were about to be imposed upon them. He, then, for one, could never consent to add to their distresses by increasing the taxes upon them, when at the same time the aristocracy were exempted. He could not but praise the statement which had been made by the Cancellor of the Exchequer, because it was very distinct; he referred to that statement, being an account of the public income and expenditure for the years ending the 1st January, 1836, 1837, 1838, 1839, and 1840. He there found that the charge on funded debt, in 1836, was 28,047,955*l.*; in 1839, it was 28,667,305*l.*; the additional charge being 619,350*l.* The charge on the unfunded debt, in 1836, was 736,822*l.*; in 1839, it was 771,909*l.*; the additional charge was 34,889*l.* The charge on the Consolidated Fund was 2,137,654*l.* in 1836, and in 1839 it was 2,410,176*l.*; the additional charge was 272,522*l.* The charge for the navy, army, and miscellaneous estimates, in 1836, was 14,081,509*l.*; in 1839 it was 17,451,235*l.*, making an increase of 3,369,726*l.* The total of the expenditure, in 1836, was 45,003,940*l.*; in 1839 it was 49,300,425*l.*, making an increase of 4,296,485*l.* or about 23 per cent. It was plain that if they reduced their expenditure by 2,300,000*l.*, they would render unnecessary the imposition of new taxes. He conceived that this could be done by reducing their establishments. It was to be observed that the additional 5 per cent. duty upon the raw material would have the effect of checking the further sale of goods, and of rendering them less able to compete with others, and thus checking trade they would diminish employment, and cause a decline in wages. This he would never consent to, for he was there for the same object, that the Government should hold office, not for the benefit of the few, but the protection of the many. Ministers upon entering office took an oath that they would act justly and conscientiously; now, he asked Ministers, would they act conscientiously in proposing those duties? Notwithstanding the increasing the burdens, he was much gratified when he looked to the revenue. In 1836 it was 46,380,246*l.*; in 1839 it was 47,843,202*l.*—that was an increase of 1,452,956*l.* He found that an enormous duty was raised on corn; and then there was a duty on cheese, bacon, and other articles used by the poor. The poor were dying of hunger; while they had to look, as if it were through the grating of a prison, at the corn which they dare not touch. (*Laughter.*) He wished that the hon. Gentleman who laughed, was one month in the situation of the poor man who was thus debarred from food, which he dare not touch until it paid a high duty, and then very probably the hon. Gentleman would sing to a very different tune. Of the 4,000,000*l.* increased expenditure since 1836, he found that there was 3,000,000*l.* additional for the army and navy. If the House properly represented the people, this would not be the case. He hoped that it might yet do so. In his opinion, the ballot-box would set matters right. Under the circumstances, he would support the motion of his hon. Friend to reject the bill, in the hope that the Government might be induced to resort to a tax upon property; and thus reach the rich, while they relieved the poor.

Mr. *Hawes* could not support the motion of the hon. Member for Coventry. He thought that, generally speaking, out of doors the mode in which the Chancellor of the Exchequer had proposed to raise the additional revenue was rather acceptable than otherwise. He wished to ask an explanation from the Chancellor of the Exchequer of a proviso in the 7th clause of the bill, relating to contracts already made, to this effect:—

> "Or it shall be at the option of the party entering into the contract, or of the purchaser, to declare the contract null and void."

This must have been a mistake. The other explanation he wished for was this—whether the additional 5 per cent. was to be considered a permanent tax or a temporary expedient? If temporary, he hoped the House would turn its attention to a general review of our system of taxation, in order to alter the proportions which different classes paid. There was no country which derived so much from the productive classes.

The *Chancellor of the Exchequer* said, the proviso referred to was a mistake.

Mr. *Gisborne* said, the House of Commons should be a check upon the extravagance of the Executive Government, whereas there was no security but the moderation of the Chancellor of the Exchequer and of the Secretary of the Treasury against the extravagance of the House. He found that the hon. Members for Lambeth, Kilkenny, and Bridport, had agreed to incur an expenditure of 400,000*l.* for the repairs of Downing-street. The expenditure now wasted in large establishments, and which had been properly called "an aristocratical expenditure," if conducted on proper principles, would admit of a large reduction.

Mr. *Rice* thought the proposition of the Chancellor of the Exchequer was the best that could be devised under the circumstances, and therefore he should support it.

Mr. *Darby* would not enter into the question of the corn-laws on the present occasion, but he believed that if it had not been for the existing system, the country would now be in a state of starvation. With respect to taxation in general, he would say, that though it might appear to be a very fair principle to raise 5 per cent. upon the general taxation, yet if one article was taxed at 1,200 per cent., and another at 500 per cent., great injustice might be done to particular parties.

Mr. *Ewart* concurred with those hon. Gentlemen who deplored that Ministers had been urged into an expenditure by hon. Gentlemen opposite. Indeed, one of the happy effects of a Conservative opposition was, that extravagance was coincided in, and frugality opposed. He was glad that his hon. Friend the Member for Kilkenny had called the attention of the House to the predominance of the landed interest in its exemption from taxation. In no other European nation did that distinction exist, for in almost every other country there was a land tax, and instead of taxing labour and commerce, they taxed superfluous luxuries. Originally the principle revenues of England were derived from land and malt; the wars of William 3rd., and all the great victories of Marlborough, were supported principally by a tax on land, but now our commerce was loaded and land was exempt from taxes. The secret was, that the majority of both Houses of Parliament were landlords. Not merely by the exemption from some taxes, but by the addition of others, they derived benefit, as for instance in the corn-laws. No doubt an aristocratic country, where the landed interest predominated, would have a tendency to taxation and extravagance. Because the aristocracy would have a tendency to wars, for their lands being mortgaged, they wished to get their younger sons provided for. He thought the present system was much more unfair than a system of ad valorem duty, because, if that system were adopted, the rich would pay a larger portion of the tax in proportion to the quantity and value of the luxuries they consumed. He confessed he thought that was the only just and fair system of taxation, and he trusted it would be eventually adopted. He fully agreed with those hon. Members who demanded a revision of the present system of taxation. If they did not take up the matter soon, and with a determination to effect sound and judicious alterations in it, they would one of these days be awakened from their slumber by the loud and universal discontent which at present prevailed throughout the country, and which before long would overwhelm the country. He trusted the subject would be taken up early in the next Session of Parliament by the Member for Kilkenny, whose attention to that subject best fitted him for bringing it forward. He should on the present occasion vote for the amendment, as he believed the proposition of the Chancellor of the Exchequer was in many respects objectionable.

Mr. *W. Attwood* said, that as the general disposition of the House appeared to be to assent to, or rather not dissent from, the measure proposed by the Chancellor of the Exchequer, and as that disposition was not guided by any approval of the financial merits of the arrangements proposed, but by a conviction of the necessity of providing in some way for the deficiency in the revenue, he did not feel authorised to oppose himself to the prevailing sentiment. Certainly, as he did not participate in the views of the hon. Member who had moved an amendment, he should not support that amendment. But at the same time, entertaining strong doubts of the advantages of the particular plan adopted for raising the additional taxation which was required, he could not refrain from calling the attention of the House to some considerations bearing upon this point. The observation had been made that the measure of the Chancellor of the Exchequer possessed the great recommendation of simplicity; and that the cost of the collection of the revenue would not be augmented in any proportion to the amount raised. Now there were two descriptions of simplicity, that which was a perfection of refinement, and that which was rude and primitive; and he conceived that the proposition of the Chancellor of the Exchequer was of the latter rather than of the former character. His proposal was to raise, by an equal per centage, the taxes of all classes. Now the House would bear in mind that when a Chancellor of the Exchequer was enabled to propose a reduction of taxation, he did not come down and take off 5 per cent. or 10 per cent. from impositions generally, but he examined closely and carefully the nature of the existing taxation; he inquired into the manner in which various imposts interfered with the comforts of the people, or obstructed the progress of improvement, the growth of manufactures, or the extension of commerce, and then he decided on taking off that particular tax from whose extinction the most general relief would be derived. So, when the question was not to reduce but to augment taxation, was it the duty of the Chancellor of the Exchequer to satisfy himself what taxes would be an addition with the lest injury to the productive industry of the country, and the least pressure upon the population. Regarding the present measure, however, rather as a temporary provision for the deficiency in the revenue than a financial measure of acknowledged merit and permanent qualities, the House of Commons would, it appeared, give it support, and he should not oppose the prevailing sentiment. But he must still ask the House to consider, for a moment, whether we could really safely rely on our deriving from the proposed addition to the taxes, the amount which was required and was calculated. When Chancellors of the Exchequer proposed to reduce any tax, say by one half, they were accustomed to tell the House that it was not probable that the total produce of the tax would be reduced in that proportion. It was then the customary observation made from the Treasury bench, one of those standing jokes sanctioned by usage on financial questions, that in the arithmetic of the Exchequer one and one did not make two—that by increasing the rate of a tax you did not increase its produce in proportion. On the present occasion, the Chancellor of the Exchequer seemed to have forgotton this salutary maxim, and to have rashly estimated that one and one did make two: that by adding 5 per cent. to his taxes he could calculate that people, without regard to the increased expense, would continue their consumption on the same scale as formerly, in order to furnish the amount which the necessities of the revenue demanded. This measure was one of a new character in a financial point of view; it appeared to him open to many objections, and unquestionably its operation would call for observation at a future period with reference to its general merits in point of principle. He felt bound, therefore, to take this opportunity of directing the attention of the House to the subject.

Captain *Pechell* considered the measure to be one which would operate unfairly to some classes of the community. He knew very well that the Chancellor of the Exchequer must raise money when there was a deficiency in the revenue by some means or other. Taxation had been compared to physic, and it seemed to him that the right hon. Gentleman did not care how he administered the dose, so long as he could get it down his patients' throats. He agreed, however, with the general principle of the proposition. He felt bound, not only in justice to his constituency, but to the community at large, to protest against the operation of the proposed increase on the window-tax; it was a tax most unjust and injurious, as well towards the inhabitants of the houses taxed, as towards the individuals who invested their capital in building.

Sir *George Sinclair* spoke to the following effect:* Sir,—I do not intend to discuss the various items in the Budget, which the Chancellor of the Exchequer explained a few nights ago with so much talent, candour, and perspicuity. I think, that, in the present temper of the House, and under the existing circumstances of the country, the right hon. Gentleman has exercised a sound discretion, both as to the general doctrines, which he has adopted, and as to the manner, in which he has resolved to carry them into effect. But I shall, on this occasion, record my objection to the principles, by which our whole financial and monetary system is regulated and administered. I am far from thinking, that the statement of the right hon. Gentleman has been brought forward a day too soon; but, on the other hand, I cannot help observing, that the premature rapidity, with which the House has been lately scrambling through the estimates, formed a striking and startling contrast to the Fabian or procrastinating policy, pursued, ever since January, with respect to practical legislation, and to every measure connected with the general interests of the empire. I believe, that her Majesty's Ministers are eagerly bent upon expediting all pecuniary grants as much as possible, in order to bring all other proceedings to an abrupt and speedy termination. I feel persuaded, that the outward-bound fleet of bills, now ostensibly waiting for a fair wind, and which seem to have all been becalmed at the very outset of their voyage, will ere long have their sailing orders countermanded, and, as usual, be laid up in ordinary for the winter. Gentlemen should bear in mind, when voting the supplies, that, if the Queen's Theatre at St. Stephen's were suddenly to close for the season, and the curtain of prorogation should finally drop, after so many pompous announcements on the part of the managers, without any corresponding performances, no money would be returned, and a *quid pro quo* on behalf of the people, could then no longer be insisted on. I trust, that, in premising these remarks, I shall not be considered as intruding upon the province of my hon. Friend, the Member for Kilkenny, who, in the financial department, may justly be denominated the parliamentary Tamburini. In connexion with the vote now under consideration, involving so large an amount of public money, I shall call the attention of the House to a subject, of which no one ventures to question the importance, but of which every one seems anxious to avoid the introduction—I allude to the distress and discontent, which at present so generally prevail, among the labouring classes throughout the empire. We were all, not long since, regaled and rewarded with a fortnight's leisure and recreation, after the labours, or, I should rather say, the loquacity, of the antecedent three months; and I believe, Sir, that during the recess, a question was often propounded by our constituents, which it is much more natural for them to ask, than easy for us to answer—namely, what benefit has accrued to the British empire from all our sayings, which have been so many, or from all our doings, which have been so few? A very large proportion of our countrymen, out of doors, whatever may be their rank in society, and whatever their opinions in politics, contemplate the whole conduct of this House with astonishment and dissatisfaction. They perceive, that we do little else than talk away the public time, and throw away the public money. But the working-classes, especially, regard our proceedings with feelings of discouragement and indignation. Reduced, as multitudes already are, to the lowest abyss of wretchedness, they see, that we are much more tenacious of our own privileges than concerned about their privations—they wonder that we still adhere to the old practice of fixing the extent of the national expenditure, without simultaneously ascertaining the state of the national income; for if, when the estimates had been placed in the hands of Members, our financial condition and prospects were made known before the supplies were finally granted, this House, although so notorious for obsequiousness and extravagance, might, perhaps, perceive the necessity of rather reducing their amount, than imposing fresh burthens upon the people. Instead of hoping to experience diminished pressure, they are dreading the effects of augmented taxation; and the conviction is every year becoming more prevalent amongst them, that they can never command sympathy, or expect justice, until, like the landed interest, the manufacturing interest, the commercial interest, the monied interest, the shipping interest, the the colonial interest, the dissenting interest,—the labouring interest shall have representatives in this House, to plead their cause, and obtain redress of their grievances. We hear, it is true, a great deal about national honour and national security, but what is so disgraceful as to be annually adding to our debt, and what so unsafe as that the Legislature should universally be deemed unworthy to possess the respect and confidence of the community? It is assumed, as an incontrovertible axiom, that enormous establishments must be kept up, and fresh armaments equipped, because a similar policy is pursued by surrounding nations. But many other countries are neither encumbered as we are with debt, nor depressed by excessive taxation; some of them have even been preserved from these calamities by the receipt of large subsidies from Great Britain, in the days of palmy extravagance (when we used to borrow money for the purpose of giving it away), the payment of the interest upon which, in no small degree, contributes to the distress and impoverishment of our own population. We close our eyes, that we may not behold our dangers; we shut our ears, that we may not hear the people's expostulations; we steel our hearts, that we may not alleviate their sufferings; and yet, by crafty mystification of the public accounts, and by *hocus pocus* manœuvres with Exchequer Bills, we have hitherto succeeded in cheating ourselves, and endeavoured to delude others into the belief, that the nation is contented and prosperous, and our resources unimpaired and inexhaustible. I should like to know how such a system would be found to answer in the concerns of private life? It is recorded by the biographer of a distinguished Peer, that he once determined, at the beginning of the year, to look seriously into the state of his affairs, which had for some time been becoming more and more embarrassed and perplexed. He began, however (as it appears to me), at the wrong end—for he said to himself, I am a Duke, a Lord-lieutenant, and a Knight of the Garter; I return Members for two boroughs, and have a great interest in three counties; and, therefore, *coute qui coute*, I must keep up a showy establishment. My neighbour, the Marquess, has just returned from the continent with a retinue of foreign servants. My cousin, the Earl, has been ordering some new carriages, and adding largely to his stud. I must not be behind-hand with either of them. I shall purchase a fresh set of race-horses and hunters; and I shall look out for an additional French cook, an Italian valet, a Swiss porter, and two tall German hussars to stand behind my carriage. The steward (whose name by-the-bye, was Joseph) was standing in the antechamber, impatiently expecting to hear what reductions had been determined on; and being called in, looked quite aghast, when these unseasonable schemes of augmented magnificence were announced to him. He ventured to remind his Grace, that the tenants were already rackrented, and the estates mortgaged to much more than half their value. All his remonstrances were of no avail; he was ordered to add 10 per cent. to the rents, and effect a large additional loan in any quarter, and upon any terms. Sir, a course which was preposterous in a nobleman must, in the end, prove pernicious to a nation. I ask how it is possible, that the result can be otherwise than disastrous, if we increase our expenditure at the very time when the industrious classes are loudly complaining, and many sources of revenue placed in jeopardy? We may be assured, that the people are fully aware of these things, and are every where condemning our obstinacy and infatuation, as well as the apathy with which we behold their sufferings and listen to their remonstrances. I should be glad to learn, why Frost and his accomplices, although, in consequence of their rash and criminal enterprise, so many of the operatives perished on the field, leaving their widows and their orphans in a state of hopeless penury, are regarded by an overwhelming majority of the very classes on whom they entailed these calamities, not as malefactors, but as martyrs? I apprehend, that this sentiment arises from a deep feeling of disappointment on the part of the working-men, at the results which have flowed from the Reform Bill; a measure, which has secured a lucrative and long continued monopoly of place and pelf to the Whigs, but without producing any advantage whatever to the people, although mainly carried through their instrumentality. It has not given to the country better electors, better Members, better measures, or better Ministers. They think, that having nothing to expect from the Legislature, they must be preparing to try what they can do for themselves. I fear, that they have less confidence than I could wish, in the Conservatives, by whom they have been neglected; I am sure that they cherish no respect for the Whigs, by whom they have been betrayed; and least of all do they place any dependance on the *soi-disant* or rather *ci-devant* Radical party, by whom they have been abandoned; a party, which, in fact, may with truth be described as a kind of impalpable nonentity. My hon. Friend, the Member for Westminster, is, I believe, the leader, and almost the last of the *bona-fide* Radicals. They were solemnly admonished by a judge, as much distinguished by humanity of heart, as by uprightness of character, that the powers that be are of God. But, Sir, they would perhaps have reminded his Lordship, in reply, that the powers that be, have duties as well as rights, and that the permanence of the rights is best secured by a faithful discharge of the duties. Sir, I am aware, that Socialism and Chartism have of late been most eloquently denounced by eminent prelates, and sage legislators in another place; but, I believe that these evils, so fraught with danger to our institutions, are mainly owing, both in their origin, and in their growth, to the neglected sufferings of the people. I fully appreciate the importance of diffusing throughout the land the inestimable blessings of religious instruction, and of secular information; but we must remember, that the poor are creatures of time, as well as children of eternity—that they require nourishment for the stomach, as well as knowledge for the soul,—in a word, they must have bread as well as Bibles, and I am persuaded, that if you erected a church in every square, endowed a school in every street, and placed a copy of the Library of Useful Knowledge in every cottage, you would not succeed in allaying the discontent of the working classes, unless you adopted measures for ameliorating their physical condition. One panacea has indeed been sedulously recommended to the labourers, I cannot say by the example, but by the eloquence of not a few philosophers and philanthropists: I mean, that of abstaining from marriage, and thus stifling the best feelings and counteracting the strongest impulses, which nature has implanted in their bosoms. But it is often found, that the prudential patriots, who lavish the most enthusiastic encomiums upon celibacy, where others are concerned, select for themselves the handsomest wives, (and sometimes more than one in succession), and are frequently blest with the most numerous offspring. And here, Sir, I may be asked, whether I am prepared to contend, that we should dismantle our fleets, and disband our armies, and relinquish our foreign possessions? I believe, Sir, that this is an alternative, which stern necessity may ultimately compel us to adopt, if we persevere in our present principles in regard to our debt, taxes, and currency. But I have long been of opinion, that our whole system of financial administration imperatively requires not only a careful revision, but a thorough change, as a substitute for the annual reiteration of such sorry shifts, as fresh loans, and such desperate expedients, as new taxes, to avert or retard the necessity of looking the great source of our difficulties in the face. The gold standard, coupled with our enormous debt, and intolerable weight of taxation, is the chief cause of that discontent and distress, which have for some time been everywhere prevailing, and constitutes the main cause why the Corn-laws were enacted and are maintained. These laws are not the cause, but the consequence of our embarrassments; it being necessary for the Government to keep up high prices, in order that such an amount of money may be levied in the shape of taxes, as may enable them to keep up our overgrown establishments, and pay the dividend to the national creditor. The alternate expansion and contraction of the circulating medium have often placed the country in a state bordering upon bankruptcy and ruin. The welfare of the operatives, has, of course, been deeply affected by these sudden oscillations, over which they have no control, and on the recurrence of which, their labour, like all other commodities, experiences a sudden depreciation, in order, that by the sacrifice of their interests and comforts, a supply of gold may be obtained from abroad. I am afraid, Sir, that they consider the two great parties in this House to be so absorbed in the furtherance of their own interests, as to bestow but a small proportion of their time or of their thoughts upon the welfare or the misery of the millions out of doors. Not many years ago, an unfortunate invalid, who had been afflicted with a complication of diseases, determined to consult two regular practitioners, on whose skill and judgment he was inclined to place unlimited reliance. After a very hurried and superficial examination, they both concurred in assuring him, that he was really labouring under a delusion, that his complaints were altogether imaginary, and that all they could recommend him to do was to trust in Providence, and live upon water gruel. After imparting such sage advice, they stepped into their chariots, and drove as fast as their horses could carry them to enjoy a white-bait festival at Blackwall. Few things are more provoking to any one, who is conscious of acute suffering, than to be told that there is nothing the matter with him. The patient, feeling that he grew daily worse, requested the doctors to favour him with a second visit, and expostulated with them upon the precipitation and injustice of their former verdict. After having considered the case more maturely, they so far modified their previous opinion as to admit that he was certainly indisposed; but they now added, in a tone resembling that of Job's comforters, that his disorder was chronic and incurable, altogether beyond the scope of their pharmacopœias, and that it would be of no use for them even to attempt to write a prescription. Goaded almost to madness by this declaration, he resolved to call in a quack, who had acquired considerable celebrity in the neighbourhood, and who soon gained his confidence by assuming a very grave face, shaking his head, and telling him (after he had looked at his tongue, felt his pulse, and inquired into his symptoms) that he really was very ill. "But," said he, "pray do not be discouraged. Do you see this little phial? It contains an elixir, which, if you take it in sufficient quantity, will not only remove all your sufferings, but secure for you the attainment of better health than you ever enjoyed in your life." "Well," replied the invalid, "I can't be worse than I am. I would rather die at once than drag on a miserable existence. The regular doctors say they can do nothing for me; reach me your mixture, I'll swallow it and take my chance." This is, as I conceive, a counterpart to the case of the operatives in this country. They are represented by the patient. The Physicians are the Whig and Tory statesmen, the empiric is the demagogue, and the elixir universal suffrage. I shall, on this occasion, take the liberty to state what I consider to be the temper and condition of the working classes at the present moment. They are, I doubt not, inclined to venerate and uphold our civil and religious institutions, if they can only enjoy under their shelter and predominance a moderate and reasonable degree of comfort and independence; and I maintain, that no class of the community is more susceptible of gratitude for any expression of sympathy, or more fully appreciates any act of kindness. But it is equally true, that there prevails amongst them, to a greater extent than hon. Members are at all prepared for, a growing distrust and alienation as regards this House, equivalent, in many instances, to a feeling of contemptuous aversion. They think that the House of Commons are admirable representatives of the opulent and the prosperous, but very sorry legislators for the industrious and the distressed—eager to make ample provision for the luxury and extravagance of the court — unwilling to take the slightest notice of the interests or necessities of the poor. They see that there is, perhaps, no other country, in which wealth is worshipped with such slavish idolatry as in England, and poverty so universally regarded as a portentous and unpardonable crime. This distinction between wealth and poverty is frequently exemplified, not only in the distribution of recompence, but in the infliction of punishment. Where offences are nearly similar in nature and degree, rigour the most relentless is meted out to the obscure, while forbearance the most indulgent is exercised towards the rich. The perplexing state of our monetary relations, and the appalling amount of our debt have brought England into an artificial condition, which renders the result of all transactions uncertain and precarious. The suicidal act, which passed in 1819, for compelling the nation and all private debtors to pay in one standard the full amount of all obligations contracted in another, has inflicted both on the community and on private families, and especially on the landed interest, an accumulation of calamity, unparalleled in the records of the world. It is chiefly through the crippling, paralyzing influence of this most disastrous enactment, that a large proportion of those who possess extensive estates are drowned in debts and difficulties, and that many leading merchants and tradesmen, including not a few of the most fashionable shopkeepers in this metropolis, if compelled to adjust their affairs, would find themselves in circumstances bordering on insolvency, and I repeat, that a system of protection is mainly necessary in behalf of our manufacturing and agricultural industry, in order that the requisite amount of taxes may be extorted, and the fundholder continue to receive in gold the full dividend, which accrued from a capital, much of which was originally advanced in depreciated paper. In consequence of the enhanced value of money, the repeal of public burdens has afforded little or no alleviation; it is more difficult to collect the present nominally diminished, but in reality more oppressive, amount of taxes, than it was during the war, when the circulating medium was abundant to meet the larger expenditure which the exigencies of the state required. The country is perpetually liable to feverish alternations between prosperity and distress. An unlooked for and extensive demand for the precious metals in America or in Europe, might at once drain the Bank of its treasures, and leave them no alternative but between bankruptcy and bank restriction; and the Chancellor of the Exchequer, in order to maintain the national resources, even to their present extent, is compelled to borrow largely from the bank, and repair the evils incident to a gold standard and a restricted currency, by bringing more paper into circulation. As the Bank is every moment exposed to a sudden run on its treasures in seasons of panic and emergency, it must, of course, adhere, both for its own sake and on public grounds, to nature's law of self-preservation. And it might be indispensable for the directors to call in its advances and contract its issues at the very moment when manufacturing exigencies and commercial necessities would otherwise imperatively require, that increased accommodation should be afforded and fresh liabilities incurred. The constant changes occasioned by our oppressive embarrassments at home, and our complicated relations with other countries, have deeply affected the well-being of the working classes, who, in almost every extensive manufacturing county have, at different times, been overwhelmed with hardships and privations, during the continuance of which they have never received from Parliament any sympathy or any succour. We all know, that stagnation in trade, and depression of wages have, at no remote period, been successively experienced in various districts; and I am persuaded, that whenever any great degree of wretchedness prevails amongst the working classes connected with any particular trade, there is.... *intactis quoque cura conditione super communi.* They know, that their own turn may not be far distant, and the degree of attention, bestowed by a reformed House of Commons, upon the interests of the sufferers in any quarter, is watched with painful solicitude by their fellow operatives at Manchester, at Birmingham, at Coventry, at Paisley, at Bolton, at Glasgow, at Stockport, or at at Worcester. But even, Sir, in those towns, in which there is no immediate want of employment, I believe, that the working classes are far from being satisfied, or from having reason to be satisfied, with their condition. There are millions throughout the land, who can (it is true) contrive to make the two ends of the week meet, and earn a straightened, or perhaps not inadequate livelihood, but to whom life is rather a calamity than a blessing! Many rich men seem to think, that such persons ought to be quite contented, if they can only exist, and, like the Israelites in Egypt, " get to their burdens," although they have no leisure for improving their minds, or superintending the education of their children, or indulging in innocent recreations, or passing a portion of their time in the circle of domestic affection. In this respect how much are we eclipsed and put to shame by Pagan legislators of antiquity, who even deemed it a duty to provide public games and amusements for the community, and watched over their happiness with parental anxiety. But how heart-breaking is, in numberless instances, the mode of life, to which the labouring classes, in this country are compelled to submit! as if because they are born to work, they came for no other purpose into the world! How wretched in many places are their hovels! how squalid their attire! how scanty and unwholesome their food! how stunning the noise which deafens them for so many hours! how noxious the atmosphere which they breathe! how gladly would they compound for the same amount of comfort and independence as is enjoyed by the free negroes in St. Vincent's or Jamaica: They are, no doubt, often unbraided (and especially by sententious and self-indulgent moralists, when lolling upon elastic cushions in their gorgeous equipages) with clinging to debasing habits of idleness, intemperance, and improvidence; but I, for one, must own, that I make great allowance for men, whose retrospect offers no reminiscences of past happiness, and whose futurity presents no hope of future enjoyment, if, even within the precincts of the gin-palace or the beer-shop, they hasten when jaded by present toils and overwhelmed by present necessities for a brief season, " to steep the senses in forgetfulness," by having recourse to antidotes, which, although (like the claret and *curaçoa* of the rich) they are often in the end destructive, are at least for the time oblivious. How many honest and respectable fathers of families are at issue, with those who maintain, that the present system is working well! It does so undoubtedly, as far as the court, and the persons, who subsist on the taxes, are concerned. It is well adapted to further the interests of all, who have realised or inherited large incomes, or who can secure preferment for their brothers, promotion for their uncles, legations for their children, pensions for their widows, or power and place and patronage for themselves. None of us are gratuitous eulogists of things as they are. We never know what it is to want; we never devote one hour to those harassing occupations, by which the lives of millions are embittered and abridged. It is indeed, often asserted that our duties are multifarious and fatiguing, but we can at pleasure modify, suspend, or relinquish them. The privileges and recreations of the legislator are as numerous, as the privations and the hardships of the labourer are intense. The former can retire from his sphere of exertion whenever it suits his convenience or caprice, to take his ride in the Park, or his rubber at Crockford's, or enjoy a hebdomadal " feast of reason and flow of soul," at Grillon's. The latter must perform the daily routine of his drudgery without any alternative, and is a stranger to the resource of pairing off for the night or retiring to enjoy rural leisure for the week. We participate in all the refinements and embellishments devised by modern ingenuity. We all expect, that we shall this evening retire to comfortable places of abode, where those, whom we love, are surrounded by all the conveniences and most of the luxuries of life. But what shall we say with respect to the destitute hand-loom weavers, and the hundreds of thousands throughout the manufacturing districts, " subject to like passions as we are," and as anxious as we possibly can be for the welfare and the comfort of their offspring, who, long ere morning's dawn, are summoned to unremitting, unhealthy, and unprofitable toil, or perhaps are cut off from obtaining employment at all; who have no other prospect than of returning at a late hour of the night to their forlorn and cheerless homes in a state of bodily exhaustion and mental despondency; and who can bequeath no legacy to their children but a career as wretched as their own? Is it consistent with reason or common sense, that persons so circumstanced should feel any strong attachment to the institutions under which they live—or ought I not rather to say, under which they are doomed to pine in unrelieved and unpitied wretchedness? And may it not sometimes occur to them, however erroneously, that those who have nothing to lose, may have something to gain, even through the appalling medium of anarchy and civil discord? If a feeling of desperation and a thirst for vengeance should impel them to deeds of violence, and that some modern Menenius should say to them, "Will you undo yourselves?" Might they not reply in the simple and appropriate language of the Roman citizen, "We cannot, sir; we are undone already." And to what quarter can they look for compassion? From whence are they to hope for assistance? To transmit their complaints to this House is an empty ceremony and a vain delusion; as well might they address themselves to the Congress at Washington, to the Chamber of Deputies at Paris, or to the Cortes assembled at Madrid. Their petitions are huddled together like so much rubbish, and consigned in silence to the leathern sepulchre of oblivion, if that indeed can be said to be forgotten, which scarcely attracted the notice of a single moment: Should any rash philanthropist venture to utter a single sentence on their behalf, how many patriotic economists of the public time would grudge the application even of a few minutes to such a theme! But (even supposing, though not conceding, that their wretchedness is in no degree owing to the selfish or unwise legislation of former days,) what benefit would accrue to the sufferers from the most touching effusions of commiserating eloquence, unless followed up by actual measures for their relief? On such occasions, we resemble the priest and the Levite much more than the compassionate Samaritan. On what ground are the former condemned in holy writ? They had not inflicted the wounds, by which their unhappy fellow-creature lay bleeding on the highway: they, perhaps, were gifted with such exquisite sensibility that they were loath to harrow up their nerves by the revolting spectacle of human distress, and yet they are exhibited as objects of unanimous execration to posterity; not because they were the authors of the poor man's agony, but because, without attempting to succour him, they "passed by on the other side." Has not our own conduct been precisely similar, when we learnt that thousands or even millions of our countrymen were steeped to the very lips in poverty, wretchedness, disease and degradation? And what is it that the working classes, when thus reduced, have presumed to require at our hands? Do they call for ribbands or regiments? Do they ask for coronets or coaches and six? By no means. The sum and substance of their remonstrances amounts to this, "You are the representatives of the people, a people of which we form no inconsiderable a proportion; we desire not to eat the bread of sloth, we are perfectly willing to work, but are either altogether unemployed, or cannot, without such an amount of drudgery as renders life a burthen, secure an adequate subsistence. We, therefore, as a last resource, appeal to your humanity, or rather to your justice, and pray that you will devise such measures as may enable us either to emigrate to foreign climes, or (which we should infinitely prefer) to earn, within the precincts of our country, for our wives and children, a decent maintenance, commensurate with our sphere of life." Is there anything unfair, anything unjust, anything unreasonable in this? The unhappy and patient victims ask no more, and I see not, in conscience, how human nature can be satisfied with less, or what satisfaction it can afford to a starving family "to see profusion, which they must not share." I have often listened with indignation and disgust to the colloquial homilies of selfish affluence. How triumphantly does the bloated sensualist, who encumbers his lordly board, and stimulates his languid appetite by an endlessly diversified array of costly viands, and who is, perhaps, in secret addicted to practices more flagrant in the sight of God, indulge in a pathetic invective against crimes, which his unearned hereditary opulence has placed him beyond the temptation of committing, and to which the poor are only impelled by destitution, neglect, and despair! Away with such easy eloquence—such nauseous cant—such cheap morality! Nothing is more common or less difficult than to paint the vices of others in the most glowing colours, or to endure their sorrows and witness their sufferings with the most exemplary resignation. I had the honour, some years ago, to sit at dinner next to a very prim, somewhat antiquated, highly-respectable spinster, deeply interested in the fluctuations of the three per cents. and of the quadrille table, and who, in the society of a sleek and snarling lap-dog, feasted on all the delicacies of all the seasons. Whilst she was enjoying, quite *con amore*, a well-replenished plate of rich and savoury turtle soup—allusion was made to the disturbances then raging in certain districts, where the working classes had been driven by want of employment for themselves and of sustenance for their families, to perpetrate acts of violence and intimidation. My fair neighbour shrugged up her shoulders, turned up the whites of her eyes, and, during the brief intervals from self-complacent deglutition, exclaimed, "Oh, Sir, national unthankfullness is a very heinous sin! How multiplied are the benefits, which a gracious Providence is daily showering down upon us, the unreasonable inhabitants of this highly-favoured land! I wish I could only expostulate in person with our misguided and unthinking countrymen themselves; I should like to ask them, whether it would be decent, or even possible, to pray for a larger measure of comforts than we actually receive?" "Champagne, Ma'am?" "If you please. But, Sir," continued she, whilst the butler was pouring a bumper of *Vin d'Ay*, into a long capacious glass, "I blush to think of the return which we are making for mercies, of which we are so very unworthy! Is it not awful and melancholy to consider," here she drank off her wine, which was remarkably well iced, "that perhaps at this very moment, by way of a requital for all our blessings, we are committing outrages and breaking frames? I declare when one reflects upon such horrid infatuation, it makes one's flesh creep from head to foot, lest, as a just chastisement for all our crimes, we should, in the twinkling of an eye be deprived of all our comforts—may I trouble you for another spoonful of the green fat?" In connexion with this good lady's admonitory lamentations, there were two elements, which she altogether overlooked. In the first place, she omitted to remember, that, if by some lucky windfall, or providential dispensation, the most reckless of these unhappy delinquents had come into possession of a fortune equivalent to the hundredth part of the mercies, which she enjoyed with so keen a relish, and prized with so exemplary a thankfulness, he would have vied with herself in the loudness of his encomiums on the benefits resulting from tranquillity and subordination. In fact, riches and radicalism, though not invariably incompatible, very seldom go hand in hand. I am persuaded, that many a blustering political fire-eater would be thoroughly cured of all his levelling crotchets and revolutionary vagaries, by opportunely marrying a dashing widow and participating in the usufruct of a well-paid jointure, or by unexpectedly burying an inconvenient uncle, who, in the capacity of rightful owner, was the only bar to his entrance upon the enjoyment of a title and estate. On the other hand, my worthy friend plumed herself upon being what would now be termed a staunch Conservative, and a decided enemy to all innovation, both religious and political. But no principle was so predominant in her creed, as a mortal antipathy to the income tax, her chief objection to which was the great difficulty of evading it. She had fortunately lived long enough to see it abolished, an event which delighted her much more than the triumphs of Waterloo or Trafalgar; and in defiance of the old adage *de mortuis nil nisi bonum* she was constantly directing against its manes the whole artillery of her eloquence. Now, if the Duke of Wellington himself, whom she often pronounced to be the most consummate statesman, as well as the greatest captain of the age, had evoked the grim spectre of that grinding impost from its tomb, I do not say, that her arms would have been employed in destroying frames, but her tongue would have constantly levelled at his Grace the most envenomed shafts of vituperation, and all her dependents would have been marshalled, with herself as generalissimo at their head, to support opposition candidates at the next general election. Such a selfish, rather than syllogistic mode of reasoning, such a habit of assuming the amount of the enjoyments which we possess, as a fit standard for other people's gratitude, although they have themselves no part or lot in our advantages, are by no means confined to this sagacious sentimentalist or her order. They have in a greater or less degree pervaded and characterized the opulent in every country and in every age. I believe, that the loyalty and devotedness of many sound constitutional politicians are more dependent than they are themselves aware of, upon the magnitude of their own personal interest in the honours and emoluments of a perishing world. And if you were to remove these props from beneath their principles, they would at once be laid prostrate on the earth; so intimately connected, in many instances, is our patriotism with our prosperity! In this respect the contrast is very striking between the successful stockjobber, who purchases an estate, and the encumbered esquire, who is compelled to part with it—between the smirking consort of the plum-realising tradesman, whose self-importance is for the first time gratified at the Opera, by the impatient repition of the thundering announcement, that "Mrs. Tomkins's carriage stops the way," and the mortified family of the bankrupt gambler, when, on the eve of an impending migration, per glass-coach, from Grosvenor-place to Turnham-green, they behold the arrested landau dragged by a single horse, at a funeral pace, to the Auction Mart, and are painfully conscious, that they are hereafter doomed to swell the ranks of the involuntary Peripatetics. How emphatically is this palpable and prevailing tendency of the human heart insisted on in the book of Job, by one, who is fully conversant with its weaknesses and its wiles, though mistaken in his application of the charge to the holy patriarch himself. "Doth Job," exclaims Satan, "serve God for naught? Hast thou not made an hedge about him, and about his house, and about all that he hath on every side? Thou hast blessed the work of his hands, and his substance is increased in the land; but put forth thine hand now, and touch all that he hath, and he will curse thee to thy face." This is the faithful portrait of thousands, not the distorted caricature of a few. The Chancellor of the Exchequer might soon bring the truth of this maxim to the test of experience. Let him but propose some tax, which might trench, in any degree, upon the comforts and gratifications of the wealthier classes, though it left them in the full enjoyment of a hundred times more than it took away, and all his popularity would scarcely bear up against the tempest of hostility, even on the part of his dearest friends, and steadiest supporters, which the very surmise of such an intention would infallibly excite against him! He would be "cursed to his face," or, at least, behind his back, by the landowners, if he abolished the Corn-laws; by the stockholders, if he taxed the funds; by the lawyers, if he imposed an *ad valorem* duty upon briefs; by public servants, if he curtailed their perquisites; by the army, if he diminished their pay; by doctors, if he deducted a per centage from their fees; by churchmen, who have no objection to curtail the revenues of their successors, if he ventured to abridge their own. Now, Sir, the labour of the poor man is to him, what our estates, our salaries, our scrip or our mortgages are to us; and if, by any sudden change in our fiscal regulations, or any capricious preference given to foreign over domestic industry, or the introduction of any ingenious mechanical contrivance, which, though in the main beneficial to the community, deprives many thousands of that livelihood, which their honest industry was earning; if, I say, from any, or all of these causes, a large proportion of our countrymen, at any time, become involved in distress, without any fault of their own, I assert, that it is not only neglectful but criminal, on the part of the representatives of the people, to leave the case of such persons unexamined, their grievances unredressed, and their sufferings unrelieved; for what can be more painful to a mind not callous to every feeling of humanity, than to witness their hopeless and unavailing struggles against the misery by which they are enveloped and consumed! How much, too, must the resentful dissatisfaction of our unemployed or overworked operatives be aggravated, when they see, that so many of our highborn and opulent families spend so much of their time, and squander so much of their wealth, in distant capitals, forgetful of their duty towards that land from which they derive enormous incomes, without any desert or exertion of their own! reluctantly revisiting their homes for a short period, laden with such a stock of (perhaps smuggled) superfluities from abroad, as exonerates them from encouraging the domestic manufacturer, and supplies them with every needed article of furniture or attire, until they again can hurry, with renewed alacrity, to lavish their riches in the haunts of reckless dissipation, upon the continental rivals of our own impoverished artisans. In this respect, the nobles of other countries do not follow our baneful example, or manifest such a repugnance for their own fire-sides. Whilst Rome, Paris, Naples, Vienna, and indeed almost every considerable city, or even insignificant watering-place in Europe, are teeming with voluntary exiles from the British shores; whilst a larger number of our patrician pleasure-hunters resort to ancient than to modern Athens; whilst thousands (including even clergymen and public servants) are roving abroad in quest of luxury and amusement, neglectful of their tenantry or dependents, devoting, in many instances, by a selfish and self-enacted appropriation clause, ecclesiastical revenues to the secular purpose of their own diversion, alienated from the manners, habits, and feelings of their country, acquiring little of what is attractive in the foreign character, and losing much of what is respectable in our own,—how rarely do German, or French, or Russian, or Italian families domiciliate themselves in British society for a series of years, and selfishly spend their incomes at a distance from the soil which gave them birth! How many millions, too, of British capital has speculative avarice vested in foreign loans, a great portion of which has been employed in founding or fostering rival establishments abroad, to the ruin or detriment of our own manufacturers? I shall not at present further expatiate on these painful and unwelcome, but most urgent and important themes. I must reiterate my strong conviction, that the working classes in this country are becoming daily more displeased with our conduct, as well as more discontented with their own condition; and if we do not, ere long, apply a fit remedy to the crying evils, of which they so universally complain—if we do not adopt effectual measures for relieving defenceless and emaciated children from destructive and degrading bondage—in which it is scarcely possible, that they should be taught to fear God, or trained to regard man, or disciplined into habits of forethought and sobriety, or enjoy the harmless recreations adapted to their tender years, or cherish any consciousness of personal interest in our national institutions and advantages; and if we are not determined, as soon as possible, carefully and patiently, to investigate the condition of the working classes, with an anxious will and firm resolve, even to make sacrifices for the promotion of their physical comfort, and for the more general dissemination of religious truth, and intellectual knowledge amongst them—the day of reckoning and revenge may be nearer at hand than the most alarmed of our politicians, or the most sagacious of our philosophers apprehend; and whilst rulers deride, and rich men disregard, every symptom of impending danger, the whirlwind of an unlooked-for and direful catastrophe, may involve our devoted land in all the frenzied horrors of revolutionary convulsion. We often hear many plausible dissertations upon the perils which would threaten the commercial greatness of the empire, and accelerate the transfer of many lucrative branches of our manufactures to foreign countries, if the hours of adult labour were regulated and abridged. But I am not blind to the perhaps still more ominous results which may sooner or later ensue, if no means should be devised for rendering the situation of the working classes less precarious and less intolerable. They, Sir, are perfectly aware of their own strength, as well as keenly alive to their own sufferings. Combination, for the furtherance of their common interests, is becoming every year more universal, and better organized. I fear, Sir, that this candid expression of my opinion as to the causes and extent of the wretchedness and dissatisfaction, which at present prevail amongst so large a proportion of my countrymen, may entail upon me the diminution or the forfeiture of confidence or regard, on the part of many friends whom I venerate and love. But the necessity, on national grounds, of discharging an incumbent duty is often proportioned to the reluctance with which it is undertaken. I am so anxious for the relief of the suffering and industrious classes, with whom my heart most deeply sympathises, that I would at once vote for the repeal of the Corn-laws, if I did not feel convinced, that such a step would only enhance the intense distress, and curtail the inadequate wages of the agricultural labourer; besides reducing the incomes, and aggravating the embarrassments of the landed gentry, and their tenants, and thus diminishing the consumption of our manufactures in the home market—a loss for which even the expected but doubtful increase in the amount of our exports would afford a very inadequate compensation. The foreign corn-grower would deluge the markets with grain, when already glutted in seasons of abundant crops at home; and when the harvest was deficient in other countries as well as here, would leave us to scarcity and starvation; besides, being at all times anxious to drain the Bank of its last guinea in exchange for his corn, and to foster from this very source, the manufactures which are every where springing up for the express purpose of supplanting ours. If, by the introduction of a well-regulated tax upon capital, the adoption of a silver standard, or some other comprehensive financial operation, we could effect a reduction in the amount of the national debt, and take off the taxes, now necessary to pay the interest of the portion which would thus be cancelled, we might then repeal the Corn-laws, without injuring the landlord or tenant, and abolish many duties, which fetter the operation of commercial and manufacturing industry, and being released from the anomalies of our present unnatural condition, we might defy the competition of the world. But although my own personal interests, and those of my family, are altogether bound up in the preservation of our existing institutions, I cannot, if I would, disguise from myself, that their permanence is endangered by the feelings, which I believe to prevail extensively among the operatives, however much they are generally disposed to be loyal and tranquil, if their earnings were more adequate to the moderation of their desires, their domestic comfort better secured, their daily exertions less overwhelming.—Rebellion may and must be put down by bullets and bayonets, or punished by jails and gibbets, but conspiracies can never be prevented or extinguished, until the causes of discontent are removed. We may rest assured, that sufferers, whose passions are inflamed, or whose spirits are broken, by physical hardships and privations, consider political privileges and abstract rights as a very slender source of consolation or indemnity. It is useless to remind those who are receiving seven shillings a week in exchange for their labour, that they have the benefit of trial by jury. It is insulting to impress upon the mechanic, when disheartened and enfeebled by excessive toil,—that he is entitled to the freedom of the press, and we can scarcely expect, that men will be punctual or ardent in their Sabbath-day devotions and observances, when their tempers have been soured, their intellects stupified, and their strength exhausted, by the incessant drudgery of the preceding week. Although, I am sure, that the industrious classes may be soothed and satisfied, if we adopt such a system as shall ameliorate their condition, the consequences must, I fear, be most awful, if, whilst laudably engaged in devising means for the protection of Hottentots, Hindoos, and Hill-coolies, we any longer consign so large a proportion of our fellow-citizens to a state of ignorance, bondage, degradation, and distress.

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* From a corrected Report published by Ridgway, with the following letter prefixed.

To J. SCHOLEFIELD, ESQ. M.P.

"*London*, 27*th May*, 1840.

"My dear Scholefield;—I should not have printed, in a separate form, my speech on the condition and feelings of the working classes, if you had not intimated a wish to circulate a thousand copies of the report as it appeared in the newspapers. As no one is more thoroughly conversant than yourself with the momentous subjects, to which my remarks referred, I have been induced by so decided an intimation of your approval to prepare a corrected edition for the press.

"Believe me to remain,

"Very faithfully yours,

"GEORGE SINCLAIR."

Mr. *Muntz* was perfectly satisfied that this measure was not of a temporary nature, but that there would be many calls like the present, each louder than the foregoing. Improvement was talked of, but he asked where it was to come from? It was quite notorious, that not a single manufacture of ours was worked to any profit. And not only that, but the labourer could hardly exist on the wages which he received. As to the corn-laws, he did not wonder that the landlords should uphold them in defence of their property. He owned if he were similarly situated he should do the same. What he found fault with the landlords for was, that they did not give wages proportioned to the prices which they kept up. He had a good deal of personal experience as to the progress of manufactures in Europe, and he could state as the result, that if we were not already surpassed, we were on the point of being surpassed by all the nations of the continent. That was the reason why trade was in its present stagnant state. But then we had all sorts of encouragements held out to us. The spring season, it was said, would do wonders. He greatly feared that spring prices would be found to be postponed to next winter. But then we were assured, that the nation would soon resume its usual "elasticity." He had heard this phrase for twenty-five years past, but no one could explain what it meant. There was not a variation in principle, a change in measures, nor an alteration in finance propounded that was not ushered in by the promise of the country soon regaining its "elasticity." The country was distracted between the corn-laws and the money-laws. The former raised the price of food fifty per cent. above what the latter justified. The greatest fault of the Whigs was, that they had followed the policy of their predecessors. He was old enough to recollect, what seemed to be forgotten now-a-days, that it was the mismanagement of the Tories which deprived them of office. The Tories showed they understood as little of Corn-laws as they did of money-laws. What made the Whigs popular was the expectation that they would change this system. But the people, finding their situation, if possible, worse now, said they would as soon be starved to death by the Tories as by the Whigs. The hon. Baronet (Sir G. Sinclair) was right in saying, that the working classes cared little which party governed them, if their physical condition was attended to. He could not help thinking, that the loyalty, and even the religion of Englishmen, had their surest foundation in the stomach. It was impossible for any set of men to govern this country who governed it against the common principles of humanity. He should vote against this motion, as he should against every proposition which went to burden the poor.

Mr. *Bernal* wished to ask the right hon. the Chancellor of the Exchequer, whether the addition of ten per cent. to the assessed taxes applied to those buildings which were not enlarged, but in which windows were opened for the purpose of trade or professional business, or as a communication between contiguous buildings?

Mr. *Turner* confirmed the accuracy of the statements which had been made as to the condition of the poor, who were worse off now than they were ever known to be. If additional taxes were required, they ought to be imposed on property, which course, while it rendered property more secure, would afford relief to the working classes.

Mr. *Slaney*, whilst he felt bound to vote with Ministers, bore testimony to the fact, that the sufferings of the poor were great and increasing. He hoped the time would soon arrive when they would abandon such paltry objects of contention as usually engaged the attention of the Legislature, and apply themselves to the far nobler purpose of improving the condition of the great mass of the people. If they did not, they would soon forfeit the confidence of their constituents.

Mr. *Ward* said, that the Chancellor of the Exchequer had recommended to the House, in his budget, that which he had the best probability of carrying, but it was perfectly competent for every hon. Member to express his dissent from the principle of taxation upon which the Government had proceeded, and to say, that other means ought to be resorted to instead of those which must press severely upon the masses—upon those who were the least able to afford a diminution of their resources. He had received complaints from the town which he had the honour to represent, that there was a pressure upon industry such as had never been known. He had received complaints, not merely from individuals, but from whole trades, of the total impossibility of extricating themselves by any effort, or any amount of exertion, from the difficulties which they said the Corn-laws imposed upon them. He had no doubt that a substitute could be found for the budget proposed by the right hon. Gentleman, the Chancellor of the Exchequer, pressing as it did upon articles consumed by the great mass of the population, and with that feeling he should give his vote in favour of the proposition of his hon. Friend.

The *Chancellor of the Exchequer* said, he should detain the House for a very short time, because hon. Gentlemen, in the course of the present debate, had taken the opportunity of expressing their own opinions, and the course they were likely hereafter to pursue, rather than of entering at any length into argument upon the measure he had proposed. There were, however, one or two points adverted to in the course of the discussion which he would briefly recur to. As his hon. Friend, the Member for Kilkenny, had gone over the same ground his hon. Friend had trodden before, he did not think it necessary to follow his hon. Friend and re-open the question. The hon. Member for Lambeth had inquired whether the present was to be considered as a temporary arrangement. Now, he was quite sure that the best course to pursue in these cases was, that there should be no concealments between himself and the House. Nothing would give him greater pleasure than to be enabled, by the circumstances of the country, to reduce taxation; but he would not shrink from saying, that it was not his intention ever to place the finances of the country in such a state that the income would be permanently below the expenditure. He felt it his imperative duty to call upon the country to make the income of the country equivalent to its expenditure. That same sense of duty would induce him to continue the same course, believing it to be the only safe and honest one. He believed it was the best course for the poor and industrious classes; for he conceived disorder in finance to be the seeds of all calamities. Disorder in finance meant distress at home and contempt abroad. With regard to the claims of particular interests, he would say, that under the circumstances, there were several which he should have felt happy in relieving, if he had been in a position to sacrifice any part of the revenue. With respect to what had been advanced by the hon. Member for Greenwich, he would ask, who had ever thought of taking off taxes by a per centage? When taxes are laid on, the whole object is not to limit consumption, and when he laid on a tax his object was to effect as great a consumption as he possibly could. The ground the hon. Gentleman had taken as a chief objection to the plan was utterly untenable and opposed to the principle of taxation. The only remaining point necessary to be noticed was that raised by the hon. Member for Rochester, who seemed to have viewed with some alarm and discomfort the word "survey" that had dropped from him (the Chancellor of the Exchequer). He should be sorry to be misunderstood upon that point, and was therefore glad of the opportunity of stating, that the 7th Clause of the 4th and 5th William 4th, giving certain privileges to windows, was to be religiously observed. He had no intention whatever of repealing that Act of Parliament, and instructions would be given to the officers of taxes expressly calling their attention to that clause, with a view to its being left entirely untouched.

The House divided on the second reading:—Ayes 107; Noes 15: Majority 92.

List of the Ayes.

Abercromby, hn.G.R.
Adam, Adm.
Alston, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Bruges, W. H. L.
Burroughs, H. N.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. G. H.
Chalmers, P.
Chester, H.
Clay, W.
Collier, J.
Corry, hon. H.
Duncombe, T.
Dundas, D.
Elliot, hon. J. E.
Fleetwood, Sir P. H.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon Sir C. E.
Grey, rt. hon. Sir G.
Hawes, B.
Heathcote, G. J.
Herries, rt. hn. J. C.
Hobhouse, right hon. Sir J.
Hodges, T. L.
Hodgson, R.
Holland, R.
Hoskins, K.
Howard, P. H.
Hughes, W. B.
Hurt, P.
Hutt, W.
Inglis, Sir R. H.
James, W.
Kemble, H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lennox, Lord G.
Lister, E. C.
Litton, E.
Lowther, hon. Col.
Lushington, C.
Lushington, rt. hn. S.
Macauley, rt. hn. T.B.
Maher, J.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Muskett, G. A.
O'Brien, C.
O'Connell, M. J.
O'Ferrall, R. M.
Packe, C. W.
Paget, H.
Pakington, J. S.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Pease, J.
Pendarves, E. W. W.
Perceval, Colonel
Philips, M.
Plumptre, J. P.
Power, J.
Praed, W. T.
Price, Sir R.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, W.
Roche, Sir D.
Rolleston, L.
Russell, Lord J.
Rutherford, rt. hn. A.
Sheil, right hon. R. L.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Strickland, Sir G.
Style, Sir C.
Talbot, J. H.
Tennent, J. E.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Vivian, rt. hn. Sir R. H.
Walker, R.
Williams, W. A.
Winnington, Sir T.E.
Winnington, H. J.
Wood, C.
Wood, G. W.

TELLERS.
Stanley, hon. E. J.
Parker, J.

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Brotherton, J.
Duke, Sir J.
Ewart, W.
Fielden, J.
Gisborne, T.
Hector, C. J.
Muntz, G. F.
Rundle, J.
Salwey, Col.
Vigors, N. A.
Wakley, T.
Warburton, H.
Ward, H. G.

TELLERS.
Williams, W.
Hume, J.

Bill read a second time.

* * *

HOUSE OF LORDS,

Tuesday, May 26, 1840.

Minutes.] Petitions presented. By Lord Kenyon, from several places in Suffolk, and Pembroke, for Church Extension; from places in Northampton, against any further Grant to the College of Maynooth.—By Lord Strangford, from the Hand-loom Weavers of Norwich, for the Protection of National Industry.—By Lord Brougham, from Greenwich, St. Andrew's, and other places, for an Alteration in the Corn-laws; from the Baptists of Weymouth, and from places in Yorkshire, and Somerset, for the Abolition of Church Rates, and the Release of John Thorogood; from Aberdeen, against any Additional Grant for the purpose of Chuch Extension; from Paisley, praying that Patrons in Scotland might receive some Compensation for the loss they would suffer by the Bill of the Earl of Aberdeen; from Dunfermline, for the Total Abolition of an Established Church in Scotland; from Newcastle-upon-Tyne, for the enforcement of the Law for punishing any Adulteration of Tobacco; from Gloucester, for an Alteration of the Law relating to Real Property; and from 200 poor Inhabitants of North Uist Island, complaining of great Distress owing to the Alteration in the Duties on Salt.

The Liturgy and Articles of the Church.] The Archbishop of *Dublin* had to present a petition, very respectably signed, of which he had given notice last week, on the subject of the Articles and the Liturgy of the Church of England. It was signed by sixty persons, half of whom were clergymen, and all of whom were members of the Church of England. The petition complained of certain parts of the articles of subscription to the Established Church and the Liturgy, which it stated required to be altered, and concluded by praying that their Lordships would consider what measures should be adopted to render the articles consistent with the practices of the clergy, and the acknowledged meaning of the Church. It was almost superfluous for him to observe, that no noble Lord was considered in presenting a petition as necessarily pledging himself to support or coincide in the prayer of that petition, but that all he did was to declare his belief that the subject matter of the petition required and was entitled to consideration. In this case he had told the persons who had put their petition into his hands that he had one objection to present it, which was, that he could not recommend to this House or any branch of the legislature the interference in any manner with the affairs of the Church, except as regarded temporalities alone, for he felt that it was not well qualified nor disposed to touch upon subjects of a spiritual nature. He had expressed the same opinion in reference to a petition which he had presented six years ago from the clergy of Kildare, the prayer of which was, that Parliament would take measures to provide for the government of the Church. He had stated to those petitioners when he presented their petition, that the reason why he could not recommend the House to interfere in those matters, arose principally from his considering, that although the Legislature had the sole power and right legally to make such alterations as might be called for, or to say that they were not needed, yet that this House and the other House were not well qualified to perform those functions. He had upon that occasion called, as he did now call, attention to the practical absence of any legislative government of the Church, which had continued for a long time, but had recently attracted the attention of the House. Upon that occasion he had embodied the substance of his speech in a pamphlet, and he might refer to that as an evidence that his opinions had undergone no change. It was but a very few years since the Parliament which was practically the legislative body, had consisted of Members who were not avowedly members of the Church of England, and since the change no other body had been authorised to act on these matters. And he had added, that the objection did not arise from any feeling of jealousy on the part of the petitioners or himself, at any desire on the part of the House to interfere with the spiritual affairs of the Church; for he and they knew that the greatest indisposition was always shown by the Legislature; but the evil was, knowing this indisposition, that there was no other body that had the right to interfere; as he conceived it was an anomalous state of things, and unsafe for any community, for the Church to be without a government—he did not mean an executive government, but a legislative government, which the Church had not had for a long time, practically for more than a century. When he had urged, as he had done on a former occasion, the importance of some sort of a legislative government for the Church, he had said, that he could not recommend the House to take any steps with respect to the spiritual affairs of the Church, except the handing over of the question to a body exclusively appointed to consider it, with the same power to make alterations as the Legislature now enjoyed; and he had then waved, as he did now, all consideration as to the propriety of an alteration of the liturgy, because he thought, that as a preliminary, they ought to take steps to bring such a legislative government into existence; a measure which persons might consistently and rationally advocate, even if they thought that no change was advisable. The only step, therefore, which he would recommend the House, in reference to the affairs of the Church, exclusive of its temporalities, was to take such measures, he did not mean to say by reviving the Convocation, for the government of the Church; and then if it were decided by this competent authority that any alterations were not necessary, the parties who now deemed them proper would be satisfied. In urging this alteration, he was aware, that he might be called by some parties an innovator. That might be, but he was bringing the Church back in constitution to the spirit, at least, of the Reformation; he was for remedying those changes of that great innovator, time, who, as it was said by Lord Bacon, was insinuating imperceptibly many alterations, and was changing things for the worse, if they were not changed by design for the better. And he would ask, whether, in the alterations made by the first reformers, they intended that their amendments should never be changed—whether they were to be like the laws of the Medes and Persians, unalterable—and whether it were their intention that the door should be locked and the key buried and lost for ever?

The Bishop of *Lincoln* agreed in much

that had fallen from the most rev. Prelate. It was impossible to obtain any authoritative sanction to the consideration even of a change in the subscription, save through a Convocation that did not now exist; and yet something was necessary, for in a conversation between Mr. Wodehouse and himself, the former assured him, that unless he could have such an authoritative sanction, he was prepared to resign his preferment. Six years ago he had expressed his own opinions in print that when any considerable portion of the Church—he meant a considerable portion in respectability and numbers—should agree in requiring certain alterations in the liturgy, it should be necessary to call the Convocation together, and submit the proposed alterations to their consideration; but at the same time he must say, that he did not think that a desire for alteration now existed with any considerable portion of the community, and that there never was a time when the great body of the clergy would more strongly deprecate any alteration than at the present moment.

The Archbishop of *Canterbury* would willingly join and assist in the adoption of any reasonable and practical plan that might be proposed by the most rev. Prelate, or by any other competent persons who might take the subject into their hands; but agreeing entirely upon that point with the most rev. Prelate, and not thinking it necessary to enter upon the reasons for his concurrence, he could not agree in the prayer of the petition, which the rev. Prelate had presented, which was a subject of a very different kind. The petition related to matters concerning the present state of the Church and the Liturgy, and it made a statement which was not fully authorised. If there were such practices in the Church as were alluded to, they were confined to a small minority of the clergy, and it was his opinion, from all he had heard, and from every opportunity he had had of observing, that every plan which proposed an alteration in the articles or liturgy of the Church, so far from satisfying the great body of the clergy, gave the greatest dissatisfaction to the largest portion of that body. The small number of signatures to the present petition justified that inference. The prayer of the petition was not the opinion of the great body of the clergy, the majority of whom was decidedly adverse to it. Indeed he never recollected a greater apprehension and excitement than when it went abroad that there was some scheme for the revisal or alteration of the formulas of the Church; and he had himself presented a petition signed by upwards of 500 of the clergy against it, whilst the clergy of three dioceses did not address him, but presented petitions to the Crown or to the House through their own diocesans. He did not intend further to trouble their Lordships with the statements of the present petition, and he would only conclude by calling their attention to its prayer, which, as he apprehended, their Lordships could not entertain or sanction. The petitioners prayed that House to take such measures as to them should seem fit, to make the letter of the prayer-book and the subscription to the articles more consistent with the practice of the clergy, and the acknowledged meaning of the Church. Now he must protest against this imputation on the clergy; and if this were a bill instead of a petition, he would certainly move, as an amendment, that their Lordships should consider the best means of making the practice of the clergy more consistent with the prayer-book and articles.

The Bishop of *Norwich* would not have risen if the name of a clergyman of his own diocese (Mr. Wodehouse, a prebendary of Norwich) had not been mentioned. He agreed with the most rev. Prelate, who had presented this petition, that there was an insuperable difficulty with respect to an alteration of the liturgy, and perhaps of the articles. He saw the difficulties, and he fully believed that the clergy, as a body, would not consent to any alteration. He trusted, however, that he might be allowed, without entering upon the statements in the petition, and without stating whether he himself agreed to this or that alteration, to make a few observations on the point of subscription. If it were proved that there was anything insincere in the subscription—if the clergy confessed with their lips what they did not confess with their hearts—they were giving to their opponents an advantage ground of which they would readily avail themselves, and their opponents would have to thank them for having placed them upon it. How stood the question of subscription? He did not pretend to enter into all the particulars and considerations; let it suffice to say that there were apparent difficulties —mind he only said apparent—about the subscription; if it were understood in the literal, most strict, and most stringent way, there were difficulties which weighed heavily upon scrupulous and tender consciences, and by continuing the difficulties they might leave the way open only for consciences that had no scruples to enter the Church for objects which referred only to the secular views as to profits which they might entertain. But there was an answer to this objection. The Church had a sort of elasticity, which allowed and graduated the differences that existed. Those who accomplished the Reformation were placed in very difficult circumstances—they had to satisfy a body that included persons of very different feelings. The articles of the Church, therefore, were framed on a reference to the opinions of a very wide basis for a large body that differed on many points. There was a sanction for this opinion in the speech of a noble Lord, a distinguished statesman, with which their Lordships were familiar, who had said that the Church of England had a Calvinist creed, and an Arminian clergy. And there were those who would infer from the same evidence, that to Arminians the creed was sufficiently satisfactory, and that it allowed the admission of a Calvinistic clergy. In fact, the Church was so constituted, that it was calculated for all who agreed in the broad distinguishing features, and in the salutary doctrines of the Christian Church. This being taken for granted, what ought they to do? He would recommend that they should honestly and boldly meet the difficulties, not only because the Church was founded upon liberty of conscience and the right of private judgment, but because it gave the greatest—he would not say latitude—but privilege of private judgment. Therefore, in extending the subscription, he was persuaded that they would be granting a boon and a benefit to many scrupulous and tender consciences that were amongst the brightest ornaments of the Establishment. He had, indeed, heard a right rev. Prelate, then sitting before him, instance a case in his own diocese, in which a clergyman in the possession of a valuable living, of high character, and of unquestionable orthodoxy, who had wished to resign his preferment because he had scruples which he could not satisfy. He might refer also to the case of an individual whose name had been mentioned by the right reverend Prelate (the Bishop of Lincoln). Let one who knew him well bear testimony to his valuable services; of his character as a clergyman, and as a man, it was impossible to speak too highly, and yet who had shown scruples of conscience which increased the respect due to him for his attainments and his character, and who had set an example which he hoped to see followed by every member of the Establishment, and which, if conscientiously followed, with the same high sense of unimpeachable honour, the Church of England would have fewer enemies, and a vast accession of valuable friends. It was never pretended that the clergy agreed in every part and every iota of that to which they subscribed at their ordination. And the fact was, that as different minds were constituted differently, every one must be allowed a certain latitude, and all that the petitioners asked was, that what was assented to privately, should be the acknowledged sentiments of the Church at large. The petition contained nothing new; there was nothing that did not find a place in the bill of 1689 which was sanctioned by the crown; the plan and the petition were almost *verbatim et literatim*. The monarch of that day proposed this plan, because he conceived that it was necessary for the safety of the Church; and Archbishops and Bishops, with professors of high degree, and dignitaries of the church in numbers, agreed in a petition which was similar to that which the most rev. Prelate had that evening brought before them. How came that measure to fall? He should blush to give the details of the intrigues by which it was quashed. The House might remember them, but, out of a regard to the interests of the Church, he would not mention them. There was, however, a catch-word used—a popular cry was raised, unworthy of those who had recourse to it, but it served to show the value of appeals *ad captandum vulgus* that cry was "*nolumus leges Angliæ mutari;*" as if we were the Medes and the Persians, and allowed not our laws to be changed; as if the laws of the heptarchy, or of the Norman conquerors, were still to remain for our guidance without any alteration. Why did they sit there, if the laws of England were not to be changed as times and circumstances rendered change necessary? He was perfectly aware that there were difficulties, and stupendous difficulties, in the way of any arrangement; but were they to shrink from grappling with the question because of those difficulties? The right rev. Prelate on his left had said the other day, that when there were difficulties, men were inclined to say, that there is a lion in the way, and therefore shrink from averting pending evils. He did not advocate this or that change; above all, he did not desire any alteration which should not be acquiesced in by the public at large; but he said, that it was their duty to encounter and to sift the difficulties, and so to argue and so to legislate, as to provide those remedies which changes of time and of circumstances imperatively demanded. Let him not be misunderstood—he had not addressed the House without hesitation; and he was only anxious to raise the Church in the estimation of the public; and with that wish he would remove every stone which might be cast at it, and so take away every obstacle in the way of subscription, which pressed on tender and scrupulous consciences, and which did differently affect the minds of men of honourable and high feelings. It was true, that they were not an assembly that could legislate for the Church; but he was anxious and willing that the two most rev. Prelates would take the question into their serious consideration, for he was confident, that in their most private movements, they would see the propriety of giving relief to those who were among the brightest ornaments of our Church. There was only one more point which he would mention before he concluded. He was persuaded that the time would come when this alteration—he would not use the word latitude, for the relief of tender consciences—would be conceded. It was in the hands of the Church to meet the difficulty, and remove the cause, and if they did not, the day might arrive when, under other powers, and urged on by a strong pressure, they might be compelled—without as they could now, quietly considering the question—to adopt a measure opposed to their feelings, and which they might all deplore.

The Bishop of *London* said, that after the temperate speech of the most rev. Prelate who had presented the petition, and the concurrence of the most rev. Prelate (the Archbishop of Canterbury), he had hoped that their Lordships would have escaped a discussion upon this subject. He certainly should not have entered into it, if it were not for the observations which had escaped from the right rev. Prelate, unaccustomed to address their Lordships in the heat of debate, which were little less than a libel on the Church. He would begin by noticing a remarkable sentiment to have fallen from a Christian clergyman. He had heard the right rev. Prelate say, that the Church was founded upon liberty of conscience. It was practically the fact, that the Protestant church permitted as great a degree of liberty of conscience, as was consistent with the interests of religion; but he had always understood that the Catholic Church was founded on truth; that the Church was the authorised interpreter of the words of truth, and that she would desert her duty if she did not lay down, for the good of the people, the great truths which were extracted from the Bible. The question of subscription to the articles was very different. It was not required from all members of the Church, but only from the ministers of the Church, as a security against a greater evil, the constant change and fluctuation of doctrines by men not tied down by any precise articles. This was the use of articles, and he hoped that they would never be lost, for it was only by continually keeping truth in view, that the Church of England had been enabled to stand amidst the changes and the downfall of different churches, to keep true to the one point of the theological compass, and to go straightforward, guided only by the polar star of truth, as expounded in her articles and her liturgy. What had been said by the right rev. Prelate that the petition was not new, was correct; all that was stated in the petition was said by Bishop Hoadly; it was said less perfectly by his commentators; and it was said more clumsily in the House of Commons in 1772, although the arguments then used went further than the present petition, emanating as he admitted it did, from respectable persons. He would neither impugn their respectability nor their sincerity, though he took a different view from them, and thought that they were little aware of the evils which would arise if they tampered with the articles. They had overlooked the difficulty which would arise if a small body of the clergy—and it was a small body compared with that body which in 1772 wished for an alteration in the articles or the liturgy, for in that case as the articles concerned the clergy more than the laity, for the clergy it was who had to subscribe, if the preponderating majority of the clergy should deprecate any change, they would do a violence to the majority. He confessed that he was one of those who would strongly deprecate any alteration, and he was convinced that there existed amongst the great body of laymen, as well as amongst the great mass of the clergy, a strong indisposition to meddle with the formularies of the Church. Looking, too, to the unsettled state of men's minds upon several topics, in some degree connected with the church, he thought it would be peculiarly unadvisable at the present moment to moot the question of a change of the articles, or an alteration of the subscription. When he alluded to the petition of 1772, he was going to trouble their Lordships with a few short extracts from a speech made on that occasion by one of the most Christian Statesmen that ever adorned the legislative history of this kingdom—he meant Mr. Burke—who said,

> "Nothing can be clearer to me, than that forms of subscription are necessary for the sake of order, and decorum, and public peace. By a form of subscription I mean a general standard, which obtains throughout the whole community, and not the partial creed of this or that bishop by whom a priest happens to be ordained. Were this rule to take place, how perplexing would be the situation of a clergyman, ordained in the diocese of Ely, beneficed in that of Chester, and removed to that of Gloucester."

And here he must observe, that they who occupied the higher seats in the Church, and were called upon to decide questions of opinion between the clergy, felt an indescribable consolation and support from the fact, that they had a clear and well-defined formulary to appeal to. Mr. Burke proceeded :—

> "I mean an universal system deduced from scripture, and digested into heads of doctrine like the articles, and that is to be equally binding on priests, deacons, and bishops. In short, I would have a system of religious laws that would remain fixed and permanent like our civil constitution, and that would preserve the body ecclesiastical from tyranny and despotism, as much at least as our code of common and statute law does the people in general; for I am convinced that the liberty of conscience contended for by the petitioners, would be the forerunner of religious slavery."

Nothing could be more just than those observations, for it was as true in ecclesiastical as in political history, that religious democracy would end in absolute despotism. What was the expansion that was required? It was this; that when a clergyman declared *ex animo*, he should be understood as declaring only in what sense he pleased. This was expansion with a vengeance—an expansion which did not partake of that prudent elasticity which, though always ready to accommodate itself to the peculiarities of our infirm and imperfect nature, would never stretch beyond the line of truth, nor sacrifice that which was just and true to meet the maudlin scruples of any conscience whatever. As to the existence of scruples in the church, he maintained, without reservation, that the great body of the clergy signed the articles with a full belief of their truth. He had never had the misfortune—for a misfortune he should consider it—of meeting with one single clergyman who did not express his readiness to subscribe the whole of the articles. He, for one, should think he was eating the bread of the Church unworthily if he were to subscribe any articles which he did not implicitly believe. If the articles were not scriptural—if they were calculated to do more mischief than good, let them be abandoned; but do not interfere with the terms of subscription; do not, for the sake of the tender consciences and nice scruples of some, adopt a mode of subscription which would leave the door open to the most unscrupulous. He confessed he did not see anything of the hardship that was complained of in this matter. Prior to ordination, was not every man so conversant with what he was required to do, that when he came to do it he ought to do so with a clear conscience, or else not do it at all? That he thought was a complete answer to the application for an expansion of the terms of subscription. As he had already stated, he believed that the great body of the Church were indisposed to any alteration of the formulary of the Church. If an alteration were to be made for one tender conscience, an alteration ought to be made for another tender conscience. Where then was the system of change to be stayed? If their Lordships were to set out upon the principle of satisfying all, they would soon have no peculiarity of doctrine, no articles, no liturgy, but would reduce the Church to a mere naked *caput mortuum*, neither satisfying the consciences of men here, nor offering a sound foundation on which to base their hopes of hereafter. Therefore he strongly deprecated their Lordships tampering in any degree with matters of this kind. At the same time he was fully prepared to admit, with the most rev. Prelate who presented the petition, that it was extremely desirable that there should be some deliberative, if not legislative assembly, in the Church, by whom such questions as the present might be determined.

Petition to lie on the table.

HOUSE OF COMMONS,

Tuesday, May 26, 1840.

MINUTES.] Bills. Read a first time:—Right of Voting; Registration of Voters.

Petitions presented. By Mr. Easthope, from Leicester, complaining of the way in which Petitions had been treated on the subject of the Corn-laws, for Household Suffrage, Vote by Ballot, and Triennial Parliaments.—By Sir John Hobhouse, from one of the Suburbs of Nottingham, against the present Corn-laws.—By Mr. Greg, from Lancashire, against the Repeal of the Corn-laws.—By Mr. Bousfield, from Yorkshire, for the Repeal of the Corn-laws.—By Mr. Brotherton, from East Retford, Reading, and other places, for a Total Repeal of the Corn-laws.—By Captain Wemyss, three, for the Repeal of the Corn-laws.—By Mr. Lister, from the West Riding of Yorkshire, for a Total Repeal of the Corn-laws.—By Mr. Parker, from Yorkshire, against the present Corn-laws.—By Mr. Bramston, from Essex, against any Alteration in the Corn-laws.—By Mr. Alderman Copeland, from Stroud, for Church Extension.—By Mr. Archbold, from the county of Kilkenny, and from parishes in the same county, against any Alteration in the Corn-laws, and against the Importation of Foreign Flour.—By Sir W. Heathcote, from Hants, against any Alteration in the Corn-laws, for Church Extension, and against any further Grant to the College of Maynooth.—By Mr. E. Buller, from Staffordshire, to the same effect; from Burton-upon-Trent, for the Abolition of Church Rates, and against the Irish Municipal Corporation Bill.—By Mr. D. Roche, from the Grand Jury of the city of Limerick, in favour of the present Corn-laws.—By Captain Alsager, from places in Southwark, and in the vicinity of London, against Sunday Trading; from Littlehampton, in Essex, against the Window-tax.

CORN LAWS.] Mr. *Villiers:* I believe that the House is well aware that in consequence of the singular course which it thought proper to adopt with regard to the last motion on the Corn-laws, it has now become my duty again to propose the question for its consideration; and I hope the House will feel that if that course was unsatisfactory to the public, offensive to those interested in the discussion, and almost cruel to that much larger number who refer their recent sufferings to the operation of this law—that neither has it been attended by any convenience or advantage to this House; and certainly I do not regret, when this House shrinks from a fair decision or a full discussion on a question vitally important to the people at large, it derives no advantage from its own wrong. I know it may be said, that the immediate occasion of the course to which I have referred was the motion of the hon. Member for Bridport. [*" Hear,"*] But I ask, when it was, that my hon. Friend moved the adjournment of the House? Why, when this House had decided, that the debate should not be adjourned at all — which it did after six hours out of the seven hours (during which the debate had lasted) had been occupied by persons opposed to the motion, when the last speaker only closed his address at past one in the morning—after the Members for the most important and most distressed of the manufacturing districts had been referred to, and the interests of their constituents misstated—and after thirty or forty Members had left the House, on the faith that the debate would be adjourned—it was then that the House insisted on dividing, and that my hon. Friend thought that it would be more expedient to resume the discussion at a future time, when a fair decision might be taken upon it. The majority have, therefore, to thank themselves for any disadvantage accruing to their cause by an adjourned discussion, and I do not suppose that it can be very politic in those who desire to maintain this law to invite the public attention to it more than it need do; and if I am to judge of the scornful manner in which the Member for East Somerset referred to the mode in which I had introduced this subject, when (as the House remembers) he complained with so much impatience that Gentlemen like himself should be kept from their avocations in the country, to listen to dull treaties on the Corn-laws—I say taking that Gentleman to represent the taste and temper of the House, I do not suppose that, at this season, when there is even more to divert the mind from the House, it can be more agreeable to hear another essay on what only affects the poverty and privations of the humbler classes. But I hear that, I have but ill chosen the moment now for renewing the discussion. But I should like to know when it would be very agreeable to a majority of this House to discuss this matter. The Member for East Somerset's avocation, before, was, I believe, to attend some local bench of justice, that is used to profit by his learning. This time, I am told that it is the season when gentlemen quit the bench and enter upon another field of service, and the tenants, converted into troops, pass in review before their Lords. The grievance therefore now is, that they are brought to London from the country, to hear the discussion which they find so dull. As far as I am concerned, I am sorry to disturb their manœuvres, for they are more likely to be innocent away than nearer home; for it will not be in my day that I shall satisfy them that respect for this House would be better insured by a patient consideration in this place, of laws proved to be bad, than by a display of incompetency on the bench, or inefficiency in the field, elsewhere. However, Sir, whether it was a trick or a triumph to have so disposed of the question before, I shall not complain of the circumstance, for it has enabled us again to discuss the matter; and I have seen too much of the advantage of discussion on this subject not to value very highly its continuance. It has, in truth, done nearly all that can be expected of discussion—it has disclosed the truth, and exposed what is untrue in the matter; and, notwithstanding the fallacy and vague generality with which it has been attempted to perplex it, it has cleared the question of confusion, and brought it back to the point from which it was at first advanced—namely, as to what right or reason there was for one class of proprietors to impose a heavy burthen on the rest of the community, for the purpose of swelling their own fortunes. This is the question the people ask—this is the question that has not been answered, but this is the question that must be satisfied, if the public are not to be left in the belief that it rests upon nothing but the rude right of power—a reckless, ruinous, heartless law, maintained for the interest of a few, and in truth injurious to all. That is the opinion of the great body of the people, as far as the public sentiment can be collected, and which has been elicited by that opinion being denied. And now it would be well for the House to reflect upon the progress of opinion on this matter. In 1837, either despair of justice or dread of conflict had produced what is called apathy on the subject; few petitions were presented to this House; and a county Member thought it decent and safe, when I rose to speak upon it, to attempt to count the House out. In 1838, I brought it forward; and it was asserted that the manufacturers were indifferent to the matter—by no means injured by this law—but rather that they partook of the benefit which it was asserted was shared by others. Mark the result of so treating the subject. Before the Session of 1839, there was hardly a chamber of commerce that had not petitioned this House; hardly a manufacturing town that had not appointed its delegate to proceed to London respectfully to ask this House to listen to the facts they were ready to detail in answer to the strange misapprehension of their interests which seemed to prevail in it. How did the House deal with their petitions? On what ground did you dismiss their prayer—which was, to be heard, in the face of the country and the world, at this bar? Why, it was then thought convenient to assume, that what they said was true, but to-day the policy of changing the law, which it was declared, rested upon a general regard to the interests of the community. You said, the working classes were not of the same mind with the petitioners, and that it was a mere selfish manufacturing question. Now, what followed from this assertion? Why that there was hardly one town of any note in great Britain where there had not been some meeting assembled or some petition signed by the working people against the Corn-laws, as if for the purpose of recording, at least, their opinion respecting them; and although they may never petition the House again on the subject—as many have declared that they will not—they have, by the sentiments which they conveyed by their petitions, left no one in doubt as to their views of the justice, humanity, or policy of such laws. And, now, how stands the question,—what has been the result of all the agitation and discussion which the subject has excited? Why, that all the pretences on which the law has been sought to be defended have been thoroughly sifted and examined; and that, now, there is hardly a mechanic or a schoolboy, in any town, who is not familiar with the fallacies which have been used on the occasion, and the refutation of them. I have listened to many debates on this subject, and I have looked through those that have occurred in Parliament on former occasions; and I find that they all resolve themselves into some three or four phrases, which, though they may be varied in expression, are yet only the same things repeated; and I shall now only refer to them with the view of noting them to the public, and with the hope of preventing their repetition this evening.

First, then, there is the notion that the high price of food occasions a high rate of wages, and that the people have therefore this interest in their continuance. Next, that, by the landlord's receiving a higher price for his land, he becomes a better customer to the manufacturer. The next is, that it is part of the system of this country, that when an interest cannot maintain itself, it should be maintained by law, and that the Corn Law is the mode of affording that relief to the landowner. And the last is, that it is unwise for a country to depend upon other countries for food. Now, if any person will examine the arguments urged for the law, they will find them comprehended in one or other of these sentences; and I, for one, am very glad that these things are put forward, for it has forced upon the public the discussion of matters deeply interesting to the middle and working classes, and to which, usually, they are diverted from giving their attention, by the absorbing interest of individual affairs. It has, moreover, led to a particular consideration of the circumstances which influence the condition of the working class in this country; and it has fairly brought all the fallacies advanced on this subject to the test of common sense and experience. Now, what may be said, with truth, to have resulted from the inquiry into the connection between the high price of food and the condition of the labouring class? Why that, perhaps, a greater mockery of their misery could not have been devised or uttered, by any person, than to say, that the high price of food has been productive of anything but sorrow, misery, and wretchedness, to the poor, and that it is the unpleasant conclusion to which we must arrive,—that, in the progress of society in this country, in proportion as the food of the people has become more scarce, that their condition has become worse; and that the agricultural labourers, in some respects, now, are worse off than they were three centuries ago; and that, during the last eighteen months, when food has been so high, their sufferings have been greatly aggravated. In making this statement, I am supported by an authority which may be supposed to be quite unprejudiced;—I allude to Mr. Hallam, who, inquiring into the history of the labouring classes, is compelled, after allowing for the many advantages which modern inventions have procured for them, to conclude that their condition has deteriorated in comparison with what it was in past ages. I will quote his words:—

> "I should find it difficult to resist the conclusion that, however the labourer has derived benefit from the cheapness of manufactured commodities and the inventions of machinery, he is much inferior in ability to support a family than his ancestors were three or four centuries ago. I know not why some, here, suppose meat was a luxury seldom attained by a labourer; doubtless he could have procured as much as he pleased, but from the greater cheapness of cattle, it seems to follow that a more considerable portion of his diet consisted of animal food than at present. It was remarked by Sir J. Fortescue, that he thought the English lived far more on animal food than their neighbours the French, and it was natural to ascribe their superior courage to that circumstance."

It is strictly relevant to point to this circumstance, since we are called upon to judge of the policy of this law by its influence on the condition of the agricultural labourers. There is, in the *Annals of Agriculture*, a paper by Arthur Young, somewhat in confirmation of this view, in which it is made to appear that the wages of the labourer commanded a larger amount of the necessaries of life than they can do at present. However, this matter need not be in doubt; it is within the power of every person to know what wages the agricultural labourer receives, and what they will procure for him. My statements were questioned, as to one county to which I had referred; and, subsequently to the debate, I made inquiry into the matter, and merely found that to be generally the case in the county which I had pointed to as occurring in some parishes only. The married people with families rarely get more than 9*s.*—the *maximum* appears to be 11*s.*,—and the young unmarried men, as able to work as the married men, 6*s.* or 6*s.* 6*d.*; and I own I was wholly unable to learn where it was that these men preferred 6*s.* to 10*s.*, of which fact, however, we were assured by the Member for Wiltshire. Now, when the House refers to one of its very recent reports upon the working of the Poor Law, and finds, there, that a married man has to spend nearly 7*s.* 6*d.* a-week in bread and flour, it may judge how his family must fare with regard to their other wants of life. But, perhaps, a more astounding argument has been recently advanced for this law, than even that of its being advantageous to the labourer,—namely, that the change is sought by the master manufacturers, in order to reduce the wages of the labourer; and this has actually appeared in a publication which has proceeded from a society that has just been instituted for the purpose, as it professes, of protecting British agriculture, but, in truth, for upholding the present Corn Law. It is stated in the prospectus of this society,—patronised, doubtless, by the nobility, gentry, and clergy,—that the manufacturers wish to lower the rate of wages, in seeking to repeal the Corn Laws. It would be curious to learn whether that is uttered in ignorance or with the knowledge of its being untrue. Do they know, or have they inquired into, the condition of the people in the manufacturing districts; and, if they have, can they say how, under any change of the law, their wages could be lowered?—and, if the object of the manufacturers was simply to reduce the wages of these men, could the masters fare better than at this moment, when wages are at their *minimum?* Have these wealthy patrons of this society ever read the reports of the Commissioners of the hand-loom weavers? Why, these unfortunate people, amounting in number to 800,000, cry out for the repeal of these laws, as the great cause of their suffering, and yet this agricultural protection society would imply it was a matter affecting only the masters, and against which the men were interested. [Sir *C. Burrell*—Hear.] I hardly know how to explain that cheer of the hon. Baronet; but if it be to affirm this charge against the master manufacturers, I must repeat my question to him,—how does he explain the complaints of the masters, when the men are nearly starving? The hon. Baronet should learn the condition of the people under the operation of his Corn Law, before he talks of its being possible to make it worse by the repeal of the law. But if any man wishes to understand the bearing of this question on the manufacturing interests, read the answers of these poor weavers to the hand-loom Commissioners. If they wish to learn that which they ought to be acquainted with already, let them study those blue volumes containing the opinion, and referring to the interests, of these working men. I was really startled at their shrewdness and sagacity; and I was, in consequence, led to ask one of the central Commissioners what he thought of those supplies; and he admitted that he had been struck, like myself, with the just and sagacious views that they took of their interests. What is their simple reasoning on this subject? Why, they say, "These Corn Laws act as a great restraint on trade in this country; and whatever extends the trade increases the demand for labour; and with that demand, our wages rise. Whenever that demand increases, we find ourselves better off; and we now feel that these laws are injuring us, by diminishing that demand, and by increasing the cost of food." It is true they refer to other remedies to meet their case, than the repeal of the corn laws; and we find among their suggestions, one for taxing machinery, and another for universal suffrage; but these are not urged altogether without reason. They say, "We have as good a right to have a tax imposed upon machinery, as the land-owners have to a tax upon the produce of more fertile soils. The country, in the last case, is taxed for the benefit of a class; we have an equal claim to a tax on machinery; for the principle is the same of taxing the community for the benefit of a few." And they do further say, certainly, that if the Legislature will neither act wisely, as regards the public, and repeal the law, nor consistently towards them, in taxing machinery, that, then, they seek to be represented more faithfully in this House than they are at present, and they claim the suffrage, with the view of getting justice to themselves; and I own I see nothing inconsequent in such reasoning. And now, Sir, before I quit the question of the influence of this law upon the working population, I must adduce something in support of my opinion—that a scarcity and dearness of provisions tend to generate disease, and accelerate death among them: and I will here read a letter, entitled to credit, from an important manufacturing town, written by a resident medical man, a member of the College of Surgeons—it is Dr. Ryan, of Stockport: this gentleman writes,—

> "I take the liberty of addressing you on the necessity of cheap bread for our artisans and their families. As a medical man, I feel, that

the results of my experience may, with propriety, be added to your information on the subject. My practice is much among the poorer classes in this populous town and neighbourhood; for, in addition to my private engagements as a professional man, I am the medical officer to the "Stockport Board of Health," consisting of upwards of 3000 members. I find, Sir,—1. That a large amount of the labouring population in this neighbourhood is insufficiently fed and clothed; that the scarcity of clothing arises from the high prices of provisions, which thus absorbs, for the support of life, nearly all the hard-earned wages of each family; and that the cause of the insufficient diet is the high price of flour. 2. I find that the scarcity of good substantial food is productive of many very fatal diseases, and much misery among our people, and especially among poor children, whose sustenance ought to be principally farinaceous. 3. That among many, very many, families, portions only of whom can at present find employment, the small amount of wages accruing weekly is consumed in the purchase of oatmeal and potatoes; that whole families subsist, week after week, on meal gruel; and that payment of rent, and the purchase of fuel and clothing, are out of the question; and that the result too frequently is, the confiscation of their household goods, and removal to the workhouse. 4. That, to avoid the disgrace of seeking parochial relief, the most extreme misery and starvation are constantly endured by families in this town; and, although the standard of wages is continually falling, the necessaries of life are advancing in price, and therefore the ratio of misery is perpetually increasing. Such, Sir, are the impressions I have received in going from house to house, among our labouring poor. Day after day am I compelled to witness the most heart-rending scenes of misery and privation, such, in fact, as none but medical men are allowed to behold, for the decent pride of an Englishman ever prompts him to conceal the full extent of his poverty from the public view. I have given you, Sir, no laboured details,—no speculative theories,—no proposed methods of amelioration. I leave, Sir, the remedy, with confidence, in the hands of men like yourself, who, prompted, I trust, by the principles of sound and unflinching philanthropy, will never rest until laws unnatural as the corn laws are, be for ever erased from the statute book."

I have been supplied, also, with a table, showing the effect on the population of a high and low price of food. I regret that the table has not been completed down to the last year; but it is sufficient to enable us to form an opinion on the subject. I will not read the whole table to the House, but merely a portion of it, showing the total number of deaths in seven of the manufacturing districts of England, at four different periods with the average prices of wheat per quarter at each period, shown as follows:—

A Return of the Number of Deaths in seven of the manufacturing districts of England, at four different periods, with the average Price of Wheat per quarter, at each period.

Years.	Average Price of Wheat per Quarter.		Deaths.	Excess of Deaths above those of the year 1804, when wheat was 60*s*. per qr.
	s.	*d.*		
1801	118	3	55,965	11,171
1804	60	1	44,794	
1807	73	3	48,108	3,314
1810	106	2	54,864	10,070

This shows that in the ratio that food was cheap was the health of the community good. Is it not something shocking for the Legislature deliberately to persist in maintaining a law which is ever spreading disease, occasioning death, and weighing down industry; and all this for no purpose but to add to the wealth of persons who do nothing, themselves, to add to the wealth of the country? I do not mean to say, that the wealthy classes are more unfeeling or hard-hearted than other people; but the fact is, that they are not aware of the extent of the evil, and of the misery occasioned by this law,—being misled by those who ought to know better. I believe, that if those classes were aware of the real consequences of the law, they would meet the question in a very different way from that in which they now regard it; but, under these circumstances, is it not idle to hear it contended that the home trade is benefited by these laws, when men have hardly the withal to buy bread, and, consequently, are obliged to forego the purchase of manufactures? The manufacturers' case is, in one respect, that the home trade is injured by their customers being deprived of their ordinary means of consumption; and their case, though it may have been misrepresented, has not yet been replied to,—namely, that, by the Corn-laws, you deprive them of customers, both at home and abroad. With countries having only food to exchange for manufactures, they are debarred from trading; for they are unable to effect the exchange which is essential to commerce. Now, it is no answer to that objection to the Corn-law, that the whole exports of this country—with reference to the character of the exports or the countries to which they are sent—should increase. It may assure the country, that losing the markets of Europe has not yet been fatal to it; but it does not answer the fact, that these markets are closed against them, and that the inconvenience arising from the terms on which we would, alone, allow the trade to be conducted, has induced those states to manufacture for themselves and exclude those of this country; and with respect to the home, it will not do to deny, that it has been our policy, and that of other states, to close and check the commerce between this country and themselves. We have had a paper laid on this table since the last discussion, which disproves that assertion, an extract of which I will read to the House;—the proposal of the Prussian government to this country, in 1826, before the Prussian league was formed, offering to enter into a treaty of commerce with us;—and there is the answer to that proposal. The proposal runs thus:—

> "Assuming, then, that it will be agreeable to the British Government to learn that Prussia is disposed to conclude a treaty of reciprocity, the Court of Berlin has directed the undersigned to propose to his Excellency, Mr. Canning, to enter into negotiation for that purpose. It would be ready to engage to make no change in its existing system for a certain number of years, and specifically not to increase the duties of import on English merchandise. But, on the other hand, it expects that the British Government will allow the importation of Prussian corn, subject to such duties as shall not exclude the possibility of carrying on that trade with a reasonable profit, and that it will grant greater facilities than it does at present to the importation of timber coming from the ports of Prussia. As the produce of English industry finds a very extensive market in the Prussian monarchy, whilst, on the other hand, Prussia can only import into England the produce of its soil, and principally corn and wood, it is evident that it is only by granting facilities to the importation of these two articles that it is possible to establish the relations between the two countries on a footing of reciprocity."

This was the distinct proposal submitted by the Prussian government to our minister; and what was the answer which Mr. Canning was compelled, by the absurd policy of the Legislature of his country, to make? It was this:—

> "It becomes his Majesty's Government, in the judgment of this committee, when a proposal for altering our Corn-laws is made to us by a foreign government, as a condition of something to be done or omitted by that government, at once to declare that we never can entertain such a proposal."

This was the answer which the British Minister was compelled to give to a foreign power, proposing to enter into a beneficial treaty of commerce with this country, on whose manufacturing prosperity depends the livelihood of millions of our people. This was the reception which the offers of the Prussian government met with before the league was formed; and what do we hear now, since the league has been formed, now including twenty-six millions of people, who, for commercial purposes, are ready to act together? Why, from all our ministers, from every commissioner that we have sent to collect information on the subject, that now, before they again decide the amount of their tariffs as against this country, they are ready still to negociate with us; that it is the prevailing wish and desire among the people of those states to trade with us. But what can we do, if the Legislature pertinaciously refuses to allow us to place ourselves in a condition to negociate with them? For, as the French minister wisely said, "to get concessions from others, we ought to be in a condition to grant them." But if there be any doubt about the interest of the states in the league, to trade with England, let the interests respectively of the people in each be examined. Why, admitting that there are twenty-six millions of people in these islands, and twenty-six millions under the league, what proportion in each is interested in agriculture and in manufactures? I answer, in the league, nearly eighteen millions in agriculture, and the remainder only partially in manufactures; while, in England, those who may be termed the agricultural interest are seldom put at more than one fourth; and we know that the proportions of this have been gradually diminishing, while the manufacturing has been increasing. It is clear, therefore, that the interests of the respective populations lie in an interchange of their mutual products. Now, if it is an object to re-establish our commercial relations with these states, this is a most important moment. In 1842, the tariffs will have been fixed, and, I believe, will not then be altered again for twelve years. The same is the law with the United States; it is only an accident that their tariff has not been discussed this year. It will be so in the following year. Now, I beg distinctly to call the attention of the House and of the country to these circumstances, to preclude all possibility of doubt as to the reason of our losing this advantage, if it is to be lost; and I do make this statement deliberately, in order that it may be referred to in future, when the people are distressed and the manufactures declining; and the people will have to call those, to whom they have intrusted their interest, to account, for their condition, that they may judge correctly as to whether their interests have been protected or betrayed. It will be idle, at a future time, to twaddle about what is called "a system of protection," and the notion that the Corn-laws are only part of that system, when all other classes, so protected, have repeatedly declared that the protection they desired was only against the effects of the Corn-laws. Even those who have been most tardy and timid in expressing their opinion on this subject—I mean those engaged in the silk trade—have rested their claim for protection upon the ground that there is yet maintained a monopoly in all articles of necessary consumption. The weavers of Coventry have lately cried out against the Corn-laws, as one great cause of diminishing the demand for their labour, and diminishing the value of their wages. The people know and feel too well, now,—and they will have to feel it still more, though the rulers of this country may be ignorant of it,—in what way trade with other countries affects them, and what a fraudulent fallacy it is, to assert that the Corn-laws would reduce their wages. They know, too well, on what terms the foreign trade is carried on now. They have the daily experience of orders coming over to them to be executed at certain low prices, or not at all, and what a fearful struggle is constantly going on with men with large families, as to whether they shall execute the orders,—working fourteen and sixteen hours a day, at the expense of all health and happiness, for a miserable pittance,—or whether they shall at once go to the workhouse. I know that this is a struggle which every year becomes more severe, and that the time will soon arrive when the prices offered to the operatives will be so low that they will be unable to work and sustain life, upon them; and, when they refuse them, the foreign merchant, or, indeed, the English merchant, will then get them executed in Belgium or Germany. What an insult is it, then, to their sense and to their poverty, to tell them that the price of food being high is an advantage to them, when the money they receive is, each year, lower! And it is by this difference between the condition of the manufacturing classes, as compared with former years,—it is by the result of these and other silly and suicidal restrictions on the freedom of commerce,—that rivals are created, trade rendered languid, and industry cheated of its reward. And what excuse does any man of understanding pretend to find for such evils in the notion that the law will avert a dependence on other countries for food. This silly fear, which is an argument against commerce altogether, if it be worth anything, has been revived again, this year,—after its being ridiculed so as almost to preclude its repetition—by the authority of the President of the United States of America, and of Marshal Bugeaud in France; in short, the landed aristocracy of this country, having no argument of their own for this law, eagerly seize upon what falls from a republican president, as applicable to his own country, to justify them in the maintenance of an anti-national monopoly in this country. And what was the saying of this personage, which has so delighted the landlords of this country? Why, Mr. Van Buren thinks that nothing can be more disastrous for a country than to depend upon another country for its food; and Marshal Bugeaud says, in the French Chamber, that he would sooner see a Russian army march through France than see German beef consumed by the people; and the people of England are to be half starved, because these great characters have uttered these very wise sayings! Why, I think I could tell Mr. Van Buren what would be more disastrous than depending upon another country for food; and that would be, not to have another country to depend upon when you cannot supply yourself,—and that must be the case of England, whatever it might be with the United States, with its extensive waste lands, that require cultivation; and I say we cannot supply ourselves, after twenty-five years' experience of the Corn-law, having just experienced a greater deficiency than we have ever known before. With respect to the French marshal, he represented, I presume, the grazing interest of his country, and his doctrine has as much the good of the people to recommend it, as the arguments of the landowner in favour of the Corn-laws have to do with the good of this country. But the people of this country are not to be deceived by trash of this kind; they know that people don't grow grain to give away; and that it does not follow, as the case of Ireland pretty well proves, that a people should be able to consume, themselves, the corn they produce. They must have the means of purchasing it; and the silly persons who are now injuring them, by depriving them of their custom from foreigners, are, in truth, only depriving themselves of their best market. I have, then, now exhausted the pretences of a public kind, which are pleaded for the Corn-law; and I contend that they are pretences that will not and cannot be much longer employed. I think I perceived some recognition of this doctrine during the last debate; and, in proof of the fact, I would refer, in the first place, to what fell from the Member for Bassetlaw, who, after beating about the bush a long time, first attempting to question my statements about the wages of labourers, and then disputing the accuracy of my reference to the revenue, he said, after all, he could not shut his eyes to the great advantage which this law gave to the aristocracy, and that, in fact, by this means, it tended much to preserve that nice balance of power in this country which had conduced so much to its greatness and its glory;—and that he would uphold the law, on that account;—a principle which, certainly, was intelligible, whether it was discreet or not, to avow it; and I know no answer to it but that suggested by a question of the people, whether the price they pay for this nice balance of power is not rather too great. He was, if I remember, followed by the hon. Member for the North Riding, whose defence of the law was somewhat in contrast with that of his colleague on a former occasion, who was in the habit of enveloping the question with a cloud of statistics that left us in doubt as to what we were discussing. The hon. Member, however, warned us on this side not to suppose that the landowners were so soft as to give up the Corn-laws: and that was fair enough, for it placed the question, at least, on intelligible grounds; since, between him and the people, it becomes only a question as to which will be soft enough to surrender their claims. We have it thus admitted, that the Corn-law gives extraordinary power to the aristocracy, and we are told that the aristocracy are not the people to surrender it. And, indeed, this mode of arguing the question is not inconsistent with that pursued by the right hon. Member for Tamworth, who seems to me, also, to have abandoned the attempt to argue this question on its own merits; and when the noble Lord, the Member for Shropshire, asks me why I do not reply to the right hon. Baronet,—why, I must tell the noble Lord, that I have first to learn that the right hon. Baronet differs from me; for I suspect that he agrees with me more than with the noble Lord; for I argue against the Corn-laws, but the right hon. Baronet does not argue for the Corn-laws; he only fences with the friends of repeal; and the difference between him and his opponents is only as to the degree of mischief which they produce; and the sum of the right hon. Baronet's argument appears to be, that the camel's back is not broke yet; on the contrary, he says the animal is very buoyant, — he seems almost to doubt whether the burden does not conduce to this,—but if his back were broken, he contends, other backs have been broken also, and in other places, by other burdens. These are not his words; but they are a fair illustration of what he said. The right hon. Baronet proceeded with all that order and propriety which distinguish his addresses, to dissect the statements and speeches of those who are in favour of this motion; he said he would repeat to the House the substance of what had been alleged against the Corn-laws,—namely, that they occasioned a great derangement of our monetary affairs, and that they caused great fluctuations of price in corn, and that they tended to cripple the manufacturing interests.

"Then," said the right hon. Baronet, "see how I will deal with these arguments. In the first place, you complain that they disturb the monetary system of the country. Now, I will tell you, that the currency has been deranged before; and, upon such occasions, no person attributed that result to the operation of the Corn-laws. I say, further, that the currency has been deranged in the United States, and that commercial embarrassment has occurred in France; and these results cannot have been owing to such a cause as you ascribe them to, in this country. Again, with respect to the fluctuations in the price, this argument would imply that other articles are steady in price. Now, I can prove that coffee has fluctuated in price as well as corn; and that is my answer to your argument, which would show that the

Corn-laws have greatly aggravated these evils that are alleged to have occurred."

I could more fully illustrate the justice of my remark upon the hon. Baronet's speech; but the fact is, the fault in his argument was so obvious to everybody, at the time, and it has been so commented upon in all the papers since, that I will not further take up your time by referring to it. But the right hon. Baronet then proceeded to show that there was an error in supposing that the country was not in a prosperous state; and he showed this in a way that was certainly convenient, —namely, by assuming his own test of the fact. It was contended, on this side, that the people were badly off; that there was but scanty employment for their industry; that the difficulties cast in the way of trade by the restraints which the Corn-laws impose upon commerce, prevent a steady or sufficient demand for the labour of this country; and we have shown that internal consumption has declined during the late year. Now, what says the right hon. Gentleman? He says,

> "I cannot look at your proofs of declining trade; they are unsatisfactory, if they are just; but I have here that which is conclusive on the subject. I have in my hand a return of the exports to the whole world from this country; and I find, that during the last year, they have increased; therefore, there can be no distress, —therefore the trade of this country is extending to the different parts of the world."

[Lord *Darlington*: Hear.] The noble Lord appears to assent, by his cheer, to the conclusiveness of that argument. Would he think it, then, at all times, conclusive of the prosperity of the landed interest, that there was an increased number of mortgages and auctions? If he would not, does it not show that the amount of property transferred or sold is not conclusive as to the extent of the demand for it; and unless a supply of any article is maintained with the view to the steady and adequate demand for it, that it is rather a proof of loss or misfortune than of prosperity? and surely that is the reply to the hon. Baronet's reasoning, from an unusual amount of exports, and in which he appeared to assume that there cannot be consignments of goods arising as well from necessity as well as to meet an increasing demand. The manufacturers allege that the articles entered for home consumption have been less, while the exports have increased, and that they have so increased because there has been a less demand for them at home, and that in consequence of a high price of food. And here let me remind the noble Lord who claims the right hon. Baronet as the champion of the landed interest, that if the right hon. Baronet fails in proving that the Corn-laws are compatible with the prosperity of manufactures, he is not so important an advocate of the landed interest as he assumes him to be; for the right hon. Baronet, if I understand him rightly,—I will not say exactly threw overboard,—but, certainly, set aside the favourite fancies of the country gentlemen on this question; for he must remember, that after they had been, for three nights together, showing us, in their accustomed strain, how it was that they had made the world go round, the right hon. Gentleman rose, and more than hinted to them how unadvisable it was to indulge those notions of their consequence, and avowed, at once, that it was not the idle and unproductive classes that had aggrandised this country; but that all her greatness and wealth were to be referred to her skill in manufacture, and her enterprise in commerce; and then the hon. Baronet, after the admission of this truth, showed the proper way to evade the real question, which was — not by disputing about the real sources of our wealth and power, but—by assuring them that these had been attained, and that it would be dangerous to do anything to place them in jeopardy; and that, as we had become great with Corn-laws, we should be unwise in attempting to become greater by repealing them:—in short, implying that we had become so in consequence of them, and not in spite of them. Now, if I am asked why I did not answer that argument in the best manner, I should say, it was because I had not had time to look into one of the right hon. Gentleman's speeches, where he had had to answer that argument himself when it has been brought against him. I knew that the right hon. Baronet had made such a speech, for I remember being in the House when he replied to an attack upon Mr. Huskisson on this very ground, when that statesman sought, so much to his honour, to introduce more liberal principles into our commercial policy; and upon referring to the debates of that period, I find the following remark upon some senseless fear of change expressed on that occasion:—

> "Mr. Secretary Peel exhorted the House to

firmness, reminding it that the eyes of Europe were upon it; and he warned Parliament how greatly those sound and irrefragable principles of commercial policy, which they had heard so ably advocated, would be prejudiced, if it were to yield to the fears of the timid, or the representations of the interested."

Now, this exhortation, I contend, might be applied, with equal justice, to the right hon. Gentleman's argument in favour of the Corn-law. What was his argument on this occasion? Why, he led us over half the globe, inviting us to reflect on the vast possessions we had acquired,—the grandeur and extent of our empire, and the power we possessed,—and when we were lost in the contemplation of so much greatness and power, and hardly aware whether we were in England or Hindostan, he then put it to us to consider whether it was not miraculous by what means we had achieved such glory, and whether it would not be presumptuous, and whether it would not be worse than folly, to place it in any danger by any experimental theory, like that of the repeal of the corn laws? Now, the right hon. Baronet knows well, that this is precisely the sort of argument which has been used against himself, whenever he has assumed the character of reformer, which, we know, he does occasionally, and which, we think, suits his disposition far better than the character he is now assuming. He, very worthily, at one time employed himself in removing some of the black spots from our criminal code. Why, we know since, that he was charged then with disturbing what had been part of our system, and under which we had become great and glorious; and that he, who was at the head of the land, in his own cabinet, deemed him a dangerous innovator. Again, when the right hon. Baronet, so highly to his credit, introduced a more perfect system of police, the old and inefficient system of protection which existed was pointed to, as being co-existent with all that we valued most in our institutions; and we had a sort of Saxon sentiment revived in favour of the old system of watch, under which our habitations were unguarded, and our streets in a state revolting to decency. The hon. Baronet knows that this is the hackneyed weapon with which every reformer is assailed whenever any abuse is attacked, and whenever any fallacy is worn out or exploded. And this I take to be the right hon. Baronet's predicament, that he has no other weapon to use; for what was the reason the hon. Baronet assigned for his vote, as he told it to us? Why, that my motion was one for a total repeal of the corn laws. Now, in the first place, that is not my motion. I have, on the contrary, proposed only to test the House as to its determination of maintaining the law as it is; I move the preliminary form of a Committee of the whole House to consider the law. The right hon. Gentleman seems to dissent from my interpretation of my own motion. Well, then, I will give him that of one of his own partisans,—I mean the hon. Member for Lincolnshire (Mr. Christopher), who began his speech by saying, that he considered this a very fair motion, calculated to enlist all those who were not satisfied with the present law; and that, in fact, it would test the opinion of the House as to the working of the present law; and that he should oppose it, because he was perfectly satisfied with the working of the present law. That was the view which the hon. Member for Lincolnshire took of the matter on which he was about to vote: and he, as we know, is among the most tenacious for the continuance of this law. But the right hon. Baronet said, that he had no encouragement to go into a Committee of the whole House with me, for he observed that I treated one of my own friends with great asperity for not going my length in opinion, but who was yet willing to have voted for the Committee. If I said a word in an unfriendly spirit to my hon. Friend, the Member for Cambridge, I owe him, and I offer him, every apology for it; that was not my intention. Had I then heard his speech, which followed my own, I should have abstained from saying what I did. I certainly, when I saw the particular plan of my hon. Friend, did fear that he was going to give his great authority, as an economist, to a very trifling amendment; and I was not aware till he announced it in his speech, that he was, as he said, bound up by connection and interest with the agricultural party; and that he was returned for a borough in the centre of an agricultural district; for certainly I think the hon. Member did all that could have been expected of him, in giving his sanction to some change in the law, and giving us an excellent speech in favour of free trade. But, Sir, can such arguments as these have any weight in the country, when Gentlemen know that they can just do as they please on this question? They may refuse all change; they may grant ever so small a change; and they have the power to retrace their steps whenever they please; is it not idle, therefore, to pretend that they are afraid of the consequences of going into an inquiry into the operation of the law? Surely, Sir, this is something like trifling with the question; and surely a question involving, as it does, the commerce of the country, the economy of the country, and the general condition of the people, ought not thus to be dealt with. I can hardly suppose that the hon. Baronet himself can be satisfied with the course that he is now pursuing upon it. He must, I think, see that it is scarcely candid towards either side. Surely, if he cannot bring himself to utter the things which the common advocates of this law allow themselves to do, it would be better for him to act upon his conviction, and tell his friends they are wrong. The right hon. Baronet appears to me, by his arguments, to confirm the advocates of repeal in the justice of their opinions, and by his vote he encourages his friends in the injustice of their course. Certainly it is not for me to warn the right hon. Member of the responsibility he is incurring on this question, but I cannot help submitting to him that this question differs materially from many others, and in this respect chiefly, that there are thousands who refuse to inquire into this subject for themselves, and who depend upon the right hon. Gentleman's authority for maintaining the law; and I have no doubt that there are numbers satisfied to uphold the law upon the conviction that the right hon. Gentleman, with all his experience, all his information, all the consideration he has given to the varied interests of this country, would never persist in maintaining this law, and denying the evils which are charged upon it, if he did not feel convinced of the policy and justice of his course. This is the manner by which hundreds are now sparing themselves from all responsibility, and justifying themselves to their opponents. But there is another peculiarity attending the maintenance of this law, which the right hon. Gentleman has, doubtless, well considered; namely, that he cannot select the moment to retrace his steps on this matter, should it prove that he has been in error; and, unlike some other questions, he cannot, upon this, at pleasure, announce the time to be arrived when he should change the law. No! if the evidence was true that is now disregarded, the time will be past when the effects contemplated by the opponents of the law have occurred, when rivalry abroad has been successful in supplanting us, —when capital has been driven from the country,—when our artizans have carried their skill to other countries,—when our colonies are seen receiving manufactures from foreigners;—it will be too late, then, to talk of removing impolitic restraints upon the employment of our capital, and of extending the demand for the industry of our labouring classes. Distress will then have induced the working people to advance claims which they will be unwilling to concede, but unable to resist; and can the right hon. Gentleman really think that the experiment he is making is a safe one? Does he see nothing in the social and political aspect of our affairs to deserve consideration, and can he think it would be unwise for us to turn our thoughts to that which is now giving constant anxiety to men who reflect upon the condition of this country, I mean the bad condition, the increasing intelligence, and the sense of oppression, that now prevail amongst that large mass of our fellow-beings who earn their living by their labour? Would it be a useless application of our time to consider in what way we could improve that condition, or allay that irritation? Surely, we should face this question, however much the remedies may bear upon private interests. A man may not be called upon to forego his own advantages for the public good; but if he enter this House, he does, in my opinion engage to do so; and, whatever the result may be, it will be folly to neglect the inquiry I am suggesting—and need we go very deep to discover the causes? Why, how can people be contented, who are suffering, whose condition is deteriorating, whose intelligence is increasing, whose intercourse with each other is every hour extending—exhibiting to them their common interests, and their common wrongs, disclosing to them the manner in which power is distributed, and the manner in which it is used—the striking inequalities of many conditions—how the very idle are very rich, and how the most industrious are the most in want;—all resulting in a conviction on their minds, that there is a connection between the laws of this country and their misery. Of this they are now persuaded; their impressions are confirmed by the avowed opinions of some of the most enlightened and estimable men in the country; they have not a doubt on their minds; and all the sophistry, and all the abuse that may be employed against them, will not engender one; their feelings are each day being quickened by increasing numbers and increasing distress; and though we may term any manifestation of this feeling Chartism, yet we may feel sure that we shall not rid ourselves of this social bugbear, till we have removed its elements. The people in this country do not want confusion; that is opposed to their habits of industry, and the feelings that have ever characterised them; they ask for better employment of their industry, and better reward for their toil:—they are ill-fed, over-worked, and under-paid; they seek the improvement in their condition, and for this purpose they call to you to inquire into their grievances. Is there anything that we have yet done, or have it in contemplation to do, which will render the country more safe, or the people more satisfied? And will this be done by rudely refusing inquiry into this giant grievance which I bring before you,—or will that refusal be rendered more tolerable by the additional burdens which are now heaped upon those already borne? Let it only be asked, if this is wise? How soon is it that circumstances may arise in the world that may make it most important for us to be found united at home? What has ever been the difficulty of those states where the institution of slavery exists, in going to war? Why, the reasonable distrust which the Governments have of the great mass of the people. They are conscious that they have earned their hate, and they always dread their vengeance. It was so in the ancient states; it is so still. I believe that, in free communities, want and necessity create a kind of social bondage, under which feelings of a similar kind may be engendered. It is useless to deny that such indications have been of late apparent,—I sincerely trust they may not prevail. What was the answer the other day (as we have seen it reported), of the poor peasant, when he was asked whether the repeal of the corn laws would do him harm? "Harm, Sir!" said he, "how can I be worse off, any how, than I am?" This was the man who was receiving the average pittance for his labour of 7*s*. or 9*s*. a week, and who had to forego what was essential to health, to strength, to decency in appearance, in order to provide for his wretched wife and children, and preserve them from the confinement of the parish house. Feelings engendered by such circumstances it cannot be wise to encourage. This is the present condition of too many of the working people in different parts of the country. It cannot be wise to suffer those feelings to prevail. It is, then, in the name of those who love peace, who would have order, who dread confusion, that I now entreat this House, gravely and deliberately, to take this question into their consideration—the question of the law which enhances the cost of food to a people hourly increasing and hourly becoming more distressed. If you pause in doing so, I ask you to reflect whether you can maintain the law,—a law so revolting to justice and policy, felt to be so by ourselves, now pointed at by all the states around us as a nuisance to them, as a satire upon the pretended freedom of our constitution. Will you, I say, continue to make this experiment against the order of nature?—for this it is you are doing, seeing that you are attempting to confine the people of this island to the food grown within its limits, when all experience of nature, and the provision of nature, show that you cannot, and that you need not. The opposite experience is found in the history of the peopling of the world: it is when the population exceeds the means of support, that the human animal goes forth, and finds the means of life in a distant land; it is as he advances in civilisation, that he finds that he can employ his labour in fabricating that which will exchange for food, with a people differently circumstanced; and that is the state in which we now find ourselves, yet it is the means of obtaining food which the law attempts to prevent. The natural fruits of this experiment we have witnessed this year, in the spread of disease, and death, and destitution. To render this endurable, you must show it to be inevitable; and can you expect that this will be believed in opposition to the deliberate judgment of those whose names are most revered among us, and who have denounced the principle of such law, as impious, impolitic, and wrong? Hear the words of Burke on this subject:—

> "God hath given the earth to the children of men; and he, undoubtedly, in giving it to them, has given them what is abundantly sufficient for all their exigencies,—not a scanty, but a most liberal provision. The Author of our nature has written it strongly in that nature, and has promulgated the same thing in his word, that man shall eat his bread by his labour; and I am persuaded that no man, or combination of men, for their own profit, can, without great impiety, undertake to say that he shall not do so, and that they have any sort of right either to prevent the labour, or to withhold the bread."

The authority of Dr. Johnson may be quoted on the same side. In a conversation with Sir Thomas Robinson, upon a law which was proposed respecting the admission of Irish produce into England, when Sir Thomas Robinson observed, that those laws might be prejudicial to the corn interest in England; "Sir Thomas," said Dr. Johnson, "you talk the language of a savage. What, Sir, would you prevent any people from feeding themselves, if by any honest means they can do it?" Dr. Chalmers has declared that the corn laws infect the whole air of British society; and that there will be no peace until they are repealed; I fear I have occupied the House too long; but I will now leave the question to the House, trusting that you will avail yourselves of the accident which has given you a second opportunity of considering it, and that you will consent to the motion which I have now to make,—"That the House resolve itself into a Committee, to take into consideration the Act 9 Geo. 4th, regulating the importation of foreign grain."

Mr. *Strutt* rose to second the motion. He was at all times unwilling to trespass on the attention of the House, and he felt particularly so after the able speech of his hon. Friend. The question, however, was of so much importance, that he was induced to trouble the House with a few observations. His hon. Friend had justly observed, that hon. Gentlemen on the other side seemed disposed to settle the question by phrases instead of arguments; one of these phrases was, "protection to agriculture," as if protection to agriculture was a species of property in the possession of the landed interest, which could be conferred as a boon upon landlords without causing loss to any others in the community. It behoved the House and the Legislature of every country always to remember that the phrase "protection to agriculture" was another word for taxation. To protect one class was to increase the burdens of other classes. When the proposition was made to Parliament to give protection, or to maintain an existing protection, the *onus* rested on the parties claiming the protection, to show what special grounds there were why the public should be taxed for their exclusive benefit. If this was the case in ordinary circumstances, it was peculiarly the case with respect to the Corn-laws. In giving protection to branches of manufacture an attempt was usually made to show what the amount of the protection ought to be, and it was usually given in the shape of a fixed duty. The legislature went no further; it did not presume to interfere with the price of commodities, but left them to be regulated on the ordinary principles of competition. In the Corn-laws, a totally different principle wes adopted. The law was founded on the supposition that it was the duty of the Legislature to ensure a certain price to the farmer. This was the object of the sliding scale, but until they could regulate the weather, and ensure favourable seasons, it was in vain to attempt ensuring a fixed price to the farmer. The only effect of the system was to deceive him with false hopes, and to mislead him in all his contracts and calculations. It led farmers to look for relief in seasons of distress, not like the producers of other commodities to increased industry and economy, but to the Legislature. It turned away their thoughts from seeking to make a new bargain with their landlords for a reduction of rent, and it made a low price of corn a grievance of which they conceived they had a right to complain to Parliament, and, which they could call on Parliament to redress. He firmly believed, that this placed the farmer in a worse position than he could possibly be otherwise. It might be said, that the original object of the sliding scale was to ensure steadiness of price. He knew that there were high authorities in favour of the assertion, that it was calculated to attain this object. Mr. Huskisson was of that opinion, and the right hon. Member for Tamworth had also expressed it. The right hon. Gentleman in his various speeches on the subject had carefully abstained from touching almost any principle connected with it. Nothing, in fact, had fallen from him which would prevent him coming down in the next Session of Parliament, if he were Minister, and proposing an extensive change in the Corn-laws. He did not speak of this as a reproach. Far from it. It only proved the right hon. Baronet's caution. But with all that caution the right hon. Batonet had expressed a decided opinion upon the sliding scale. He was persuaded that the sliding scale tended in no way to insure steadiness of price. How did it work? It proposed to work by means of the importer of foreign corn. But what was the situation it placed him in? Its direct tendency was to increase the fluctuations of price upon the importer. The importer brought in a certain quantity of corn in expectation of a given price. An alteration of a few shillings in price, before his corn reached the market would, by means of the sliding scale, increase the fluctuation threefold. Thus his expectation of profit would be met by a ruinous loss. On the other hand, suppose the importer had a stock of corn when the price was about 60*s.*, he would be tempted to hold it until there was a further rise, in order to obtain the double advantage of a higher price, and a lower duty. Then there was an enormous influx of corn, producing a sudden lowering of prices, yielding the least possible advantage to the Government in the shape of duty, and causing an extensive derangement of the currency. All this rendered the corn trade one in which it was hazardous in the extreme to engage. He knew a gentleman who wished to enter into a speculation in the corn trade, but who felt it necessary to keep the circumstance a profound secret, and to require that the money should not be paid through his own banker, lest the circumstance should become known in the commercial world. He knew, that if it did it would injure his credit. Was it possible to pronounce a stronger censure on the system than the fact that the suspicion of being engaged in the trade which it encouraged would be injurious to the credit of a respectable merchant? What, then, was the mode of preventing fluctuations? In his (Mr. Strutt's) opinion they could not wholly prevent fluctuations in the price of corn. The supply of corn must necessarily fluctuate, while the demand was comparatively constant. Therefore, it would always be liable to fluctuation. Was that a reason for making fluctuations greater and more frequent? It was the more imperative to use every means to reduce the fluctuations within the lowest possible limit. In former ages these fluctuations existed to a great extent, because each district was limited to its own supply. But commercial intercourse brought about the transfer of the surplus corn of one district to supply the deficiency in another. In the world at large no such fluctuations could take place as in small districts, and the larger the surface from which supplies were drawn, the narrower was the circle within which fluctuations would be confined. They would be less liable to fluctuation the more they approached to perfect freedom of trade. By unlimited freedom of trade might fluctuations be avoided, and not by any artificial system or complicated Custom-house regulations. It was said that free-trade would make us dependent on foreigners. It was strange that such an argument should be brought forward at the present day. We were dependent on foreigners now, and he rejoiced to say that the progress of civilization must every day make nations more dependent on each other. A vast proportion of our manufactures were dependent on the supply of foreign material. A fluctuation in the price of that material produced severe distress, but a stoppage in the supply would produce absolute ruin through large districts. What more complete dependence on foreigners could there be than this? But even for corn the present system made us dependent on foreigners. Hon. Gentlemen on the other side used somewhat contradictory arguments. The right hon. Baronet, the Member for Pembroke, in the very able speech which he delivered on the subject last year, had been very eloquent in condemning dependence on foreigners, and in urging the calamitous consequences of such dependence in case of war, but before he had spoken a dozen sentences, the right hon. Baronet demanded how they could complain of the present system, when since the previous September, there had been imported no less than 2,500,000 quarters of corn. So that after all we were dependent on foreigners, and that at the most dangerous time—dependent on nations which were our rivals in trade, and only in times of scarcity. Another objection to the introduction of foreign corn was, that it must be paid for in bullion. That was the case with the present system, and it was one of its great evils; but with a regular trade in corn there would be no more necessity of paying bullion for corn than for any other imported commodity. The right hon. Baronet, the Member for Tamworth, had expressed his intention of grappling with the argument in his speech, and he had said a great deal about it. But what did it amount to? Did he disprove the effect upon the bullion attributed to the Corn-laws by the highest authorities in this country? Not at all. But admitting the undeniable fact of the large exportation of bullion last autumn, he said, forsooth, that derangements of the currency might arise from other causes. Who denied that? Who expressed the slightest doubt that the currency might be deranged by other causes? But there was the greater necessity to prevent an additional cause of disturbance. There was one point more to which he wished to advert. He maintained that on any attempt to regulate the price of corn, the great object should be to operate in the first instance to check the tendency to rise at the first moment. The effect of the sliding scale was precisely the reverse. It prevented corn coming in at the moment when it could do good by preventing a rise. The corn was kept out until the rise had taken place, and then it was admitted in a flood causing a corresponding fall. There was one argument used on the other side which appeared to him to have more weight than any other. It was, that agriculture was entitled to protection, because protection was afforded to many branches of manufactures. With respect to the great staple manufactures, it appeared to him an absurdity to talk of their receiving protection in the home market, at the very moment when they were supplying the markets of foreign nations in spite of the protecting duties which those nations imposed. It was perfectly true, that for some articles of their manufacture there was a protection afforded. But did the manufacturers seek to maintain that protection? The main article of manufacture in the town of Derby, which he represented, was silk. It was there introduced two centuries ago, and had been continued and increased under a system of protection. But he could not, as the representative of that town, come to that House and ask for a repeal of the Corn-laws, if he was not able to say on the part of his constituents that in case the Corn-laws were repealed, so far from the people of Derby asking for protecting duties for silk, they would ask of that House that such protecting duties should be withdrawn. The petitions he presented last year and this year contained the same prayer; they prayed for the removal equally of all fiscal burdens and protections. He would be ashamed to defend the interests of those who were prepared to place one class of the community on a different footing from another. He had but one observation more to make. Hon. Gentlemen opposite, when this subject was last under discussion, had expressed their surprise that it should be again debated; and they added, that they thought that the majority of last year had settled the question. Were these Gentlemen so little acquainted with the nature of the question as to suppose, that either their arguments or their majority could put an end to it? Were they so ignorant of the state of public feeling, as not to know that it was only the commencement of a great struggle, which involved the most important principles—a struggle that he hoped would have an early termination, but that might be long protracted, and yet could only be terminated by the one result. If they were unsuccessful that night, they were determined to bring it on year after year, and session after session. They had two hundred Members to aid them—they were backed by a million and a half of petitioners, and amongst them were the most intelligent, active, as well as the greatest manufacturers and merchants in their towns, all bonded together, and all determined to resist oppression. Did hon. Gentlemen, then, suppose that with this question in this position they would abandon it. In his time he had seen many questions in a more hopeless position than that he now advocated. He had seen brought against them greater majorities than were now arrayed against them, and yet they had finally triumphed. Be it early, or be it late, the same result must also attend this question. He felt, then, great pleasure in seconding the motion.

Sir *C. Burrell* said, that in rising to oppose the motion of the hon. Member for

Wolverhampton, he could only state that he did so entirely from a sense of duty, as he had been intrusted with a very great number of petitions from different classes and places, embracing a great seaport town, and comprehending interests of every description, and these petitions were without a single exception in favour of the existing Corn-laws. The hon. Mover, in this debate, was not, he perceived, in the House; but he thought it proper to state, that when he cheered an observation made by the hon. Member, it was not from any disrespect to his arguments, but because he considered him to be in error. He wished to know whether, in case the advocates of this measure obtained their point, they would give the artisan the same amount of wages which he now received? In his opinion, their object was to reduce the wages of labour to the price paid for labour to the artisan abroad; and if they did not mean that, their argument entirely failed. The hon. Gentleman had stated in his speech, that great distress had been felt owing to the operations of the Corn-laws, and that sickness had prevailed to a great extent in consequence of the poverty of the people, which had led to a falling-off in the population. In answer to that argument, he would advise the hon. Member to look at the last population returns, and he would find, that there had been an increase instead of a falling-off in the population. That argument also, therefore, fell to the ground. Sickness was an infliction of Providence, and it was well known that it was sometimes the case where there was no want of provisions. Let them look at the animal creation. There was, at this moment, an epidemy prevailing among cattle, and no man knew any remedy for it. Surely this did not arise from want of food. The hon. Seconder of the motion had spoken of the willingness of the manufacturer to relinquish protection, provided protection was given up by the agriculturist. Of course they would do so; for they could not with any face ask for the repeal of the Corn-laws, unless they were prepared to give up protecting duties themselves. As to the argument with respect to America which had been employed by the hon. Member, he wished to state, that it was not a very long time since America levied an import duty of twenty-five cents on wheat, seventeen cents on oats, $4\frac{1}{2}d.$ per lb. on butter and cheese, and fifty per cent *ad valorem* on wool. Seeds also were taxed, and flour was charged 4*d.* per cask. It was clear, therefore, that the Americans might want protection for agriculture as much as we did. As one who was acquainted with farmers and farming, he had observed that great fluctuations had taken place during the last forty years, and he had remarked, that whenever the farmer was depressed, the whole internal trade of the country had been injured in the greatest degree. Many years back, when there was a great agitation against the Corn-laws, he was convinced that many of his constituents, who wished for the repeal, took a wrong view on the subject, but disregarding them, he voted against the repeal in accordance with his own convictions. Many of these very individuals were now satisfied that they had been mistaken, and were strongly in favour of the present system of Corn-laws. As to what had been said about wages, he would only say, that although the rate might vary occasionally in parishes, yet that the wages in Sussex were generally good. He had always felt it his duty to give his own labourers good wages; he paid them 12*s.* a-week, winter and summer, and he was no loser by it. He knew very well, that when a farmer treated his men in an unhandsome and unjust manner, he got but little work out of them, and he did not blame them for labouring little when they were ill-treated. He knew that the labourer was worthy of his hire. The hon. Gentleman who had seconded the motion had said, that if we established a free trade in corn with foreign countries, they would take our manufactures instead of our gold. He would merely mention as a fact, that last year nine vessels came to the port of Hull laden with corn from the continent. They discharged their cargoes, and received bullion in exchange, and of those nine vessels not one spent a single shilling in this country, and did not lay out even the price of a pot of beer. He was free to confess that difficulties had arisen in connexion with this question with respect to the currency; but, as he did not wish to be called a currency doctor, he should not enter on that subject at the present moment. He thought, however, that he had said enough to show that if corn were introduced into this country *ad libitum*, our gold must go out. We were not situated as other countries were. There was a public creditor to be paid, and he thought that the public creditor was as much entitled to protection as any other class of the community. If, however, such sweeping changes as had been recommended should be carried into effect, the interest of the debt could not be paid. He hoped that there was too much honour in this country to adopt the advice of Mr. Cobbett, to apply the sponge, as that gentleman used to phrase it, to the national debt. The hon. Mover had thrown out a taunt against persons who were rich and idle. Now, if the rich were idle, it was so much the worse for themselves; but it was to be recollected, that if they were idle, it was owing to the industry of their ancestors. So far, however, as he knew them, the gentry of this country were willing to do good in their own parishes, and were not niggardly of their assistance to their poorer neighbours when they were in distress; and, therefore, he did not think that that taunt was deserved by the higher classes. If, however, we consented to a free trade in corn, it was quite clear that foreign nations would never consent to a free trade with this country. Prussia, for instance, had protecting duties of every description; and, therefore, he did not believe that those hon. Gentlemen were well-founded in their opinion who thought, that if we were willing to throw open our ports and permit a free trade in corn, the continental nations would be willing to deal with us on terms of reciprocity. Mr. Rothschild had once said to him, "Never give up protection to agriculture; if you do, depend on it the ruin of this country will be sealed, for upon the land of the country the credit of the country is in a great measure based, and from this comes the means of industry, and from its industry its wealth." This observation had made a great impression upon his mind, because Mr. Rothschild had no connexion with the landed interest; and the observation, therefore, was not prompted by selfish considerations. He demanded protection for agriculture, because the land was, both indirectly and directly, heavily taxed. The Land-tax, the Poor-rate, the County-rate, and the Highway-rates, fell in the greater proportion upon the land. These were indirect taxes. The direct taxes were levied on hops and on malt. It was remarkable also, that the tax on tobacco was laid upon the land with the view to protect Virginia, which had long been lost to us, and a man was not, under the present state of the law, allowed to grow any tobacco, with the exception of a few plants, if he chose, in his garden, so that he might kill the vermin in his hothouse. He would not detain the House further. He had only done his duty in making these observations, and he was much obliged to the House for the patience with which they had listened to him.

Mr. *Easthope* could assure hon. Members that he never felt so much his incompetency to express himself in that House, and in that way which would be deserving of its attention, as upon the present occasion; and if he did approach this question, he could assure hon. Members it was under the deep sense of its importance in relation to those whom he had the honour to represent. It was, then, a most painful sense of its importance which induced him to depart from that course, which was the most general course observed by him in that House. With respect to the speech that had been made by the hon. Baronet who had just sat down, he should have occasion but to trouble the House with a very few observations—and especially with regard to that advice which the hon. Baronet had so panegyrised as coming from that most eminent capitalist, Mr. Rothschild. He thought he could discover a little more of interest, and a little more of sagacity, than appeared to have occurred to the hon. Baronet, in that advice—that there was something not quite so generous, something not quite so disinterested, in what that Gentleman expressed in his deep feeling for the landed interest and the general interest of the country. Mr. Rothschild was a gentleman of most honourable character, but he was also most sagacious, and had a very keen perception of that which was for his advantage—he was most diligent and most active in whatever pursuit he was engaged, and he paid keen attention to the prosecution of that which might aid in increasing the large fortune he had amassed. Mr. Rothschild knew very well what might happen if those revulsions that he apprehended should take place, and what must be their consequence on their monetary system. He was a man whose perception was superior to that of most other men, and no man knew better than he did how to protect himself. No man could more acutely watch the progress of national changes—no man could more diligently mark the progress of national distress—no man could with keener sagacity see their results, and take advantage of that which he observed. He should not attempt any refutation of the political economy of the hon. Baronet, but it was surely important, so far as it affected the repeal of the present Corn-laws—if the hon. Baronet believed, and he was sure the hon. Baronet could not believe otherwise—that when the Corn-laws were repealed, it would be impossible to continue any artificial protection to any other interest. He admitted with the hon. Baronet, that there would be immense difficulty in keeping up protection on other articles if this protection on corn were once abolished— this " the great sin" in the shape of protection upon articles of production. There was an observation made by the hon. Baronet which was rendered very emphatic by his second reference to it—it was one on which he felt so strongly, that it was necessary for him to trouble the House with a few words respecting it. The hon. Baronet had cheered his hon. Friend, when he stated that the condition of the manufacturing population could not be worse than it was, and then the hon. Baronet explained that cheer by saying that the manufacturers sought for a repeal of the Corn-laws, in order that they might depress the wages of the artizan—that they might bring still lower the comforts of the operatives, by lowering the remuneration that they now received. [" *Cheers from Sir Charles Burrell.*"] It was plain that the hon. Baronet's cheer had not been misunderstood, for he now avowed that he believed the manufacturing interest sought for a repeal of the Corn-laws, with a view of lowering the wages of their men, and in that way of diminishing their comforts. He wished he could take the hon. Baronet to the town which he had the honour to represent, and he would there present to him from three to four thousand people, and ask the right hon. Baronet whether it were possible to increase their destitution? Whether it were possible to heighten their misery? Whether it would be possible to lower their wages? Whether it would be possible to place men in a situation more deplorable—a situation in which they might almost be excused if they became desperate; because misery could not reach to a lower point of wretchedness. He saw sitting behind the hon. Baronet, an hon. Gentleman whose kindness and benevolence had frequently been taxed to relieve that misery, for which he had often felt, but could not then describe. These men said " We thank you for your kindness, we are thankful to you for your benevolence; we are indebted to you for that attention which has often kept us from starving. But that which we wish for most is work; we want to live by our labour, and not upon your alms; we wish to exist, not by means of your contributions, but upon the efforts of our own industry. Our complaint is, that we are able and willing to work, but bad legislation prevents us from getting work. Enable us to do that, and then we shall thank you from the very bottom of our hearts." That was the condition of these wretched men. There were little less than 3,000 men in that town without work. These poor men had not 12*s.* a-week, as the hon. Baronet described his agricultural labourers to be receiving, but they were glad, when they had full work, to obtain 8*s.* a-week. The best artisan had not more than 12*s.* a-week, when he formerly used to earn 18*s.*; and the general class of artisans did not get more than 8*s.*, when formerly they were paid 12*s.* This was a state of things, the cause of which they perfectly understood, although they might have no knowledge of political economy. What they learned on the subject they acquired from a knowledge of their own distress; they sought to know what were the causes which had produced such sad consequences to themselves. They inquired why it was that the trade which had formerly come to their town had now abandoned it. They went to their masters and asked why they had not work? And to this their masters answered, that they had no orders from America,—if they had orders from America, then they could give them work; but until those orders came, they could not employ them. The men then said, " How is that? Do the men of the United States less require the things that we manufacture than they did formerly?—are they less disposed to purchase them than formerly?" The master replied, " No; but they cannot pay for them." And then the men said, " How can this be?—the population is increasing; their wants must be increasing, and yet they cannot pay for our goods." And they add, " We want work, and we want bread—cheap bread: there is cheap bread in the United States—let us get the cheap bread from them, and then we can give them cheap manufactures.

You say they have not money—we do not understand the state of the exchanges, but we do understand that bread is very cheap in the United States—we do understand that it is very dear in Leicester. Why not have bread from the United States—why not let us have from them what we want, and then they could pay for our manufactures?" These were the reflections that they made; and thus far they showed that they did understand this question. They did understand that, for the sake of a privileged few, the price of grain was enhanced; and they fully understood what were the consequences when they saw their miserable houses stripped of their last articles of furniture, which were sent to the pawn shops—they did understand it when they heard their children crying for bread, and when they saw their wives pining over their starving children until desperation at length succeeded to agony, and madness was followed by unutterable woe. This, too, was understood by them, that if some remedy were not afforded, if some redress were not applied, they would be released from all allegiance to the law—that law failing to prove its sovereignty, when it consigned a large portion of the community to starvation and death, in order that others might revel in luxury and enjoyments. They understood all this; and if it led to strong speeches—and if it led even to unlawful intentions; and if it produced disorders which might increase the existing misery—a state of things which every man must deplore, but which no man could wonder at, who would be surprised if disorder succeeded to discontent? That Chartism, with all its violence and all its absurdities, too, should take possession of the minds of starving men, was not to be wondered at. The crime of all this was to be laid at the door of those who were better taught and better instructed than those men; for it was misery that would lead them to commit crime, and, in committing it, they were but the instruments of others. He was sure that the House would pardon him, if, in contemplating this question, he had used expressions with respect to such a subject which others might feel he ought not to have used. Much had been said that night with respect to the speech of the right hon. Baronet, the Member for Tamworth. He confessed that he had heard that speech with anything rather than displeasure. He conceived that the right hon. Baronet in that speech, whatever might have been its eloquence, and whatever its policy, as bearing upon the position in which the right hon. Baronet was placed in that House, had still in that speech substantially given up the whole question. The right hon. Baronet had stated, that if the manufacturing interest of this country required the repeal of the Corn-laws, and if the existence of the Corn-laws were by their continuance to impoverish and destroy the manufacturing interest, then it was too great a price to pay for any protection for them. They heard the petitioners saying that was the case—they heard them declaring that there was a general decay of trade, and that the great manufacturers were already beginning to suffer; that those who were weak and struggling had already been driven to the greatest extent of distress, and it was now coming to others, who out of their own fortune were paying for the employment of the thousands who depended upon them for bread. He would describe to the House a scene which he had witnessed when he last visited the place that he had the honour to represent. One of the largest manufacturers in the town of Leicester had described to him, in a familiar manner, the way in which he was situated, This Gentleman told him, that he believed he should be able to keep on till after Christmas, at a loss of a thousand pounds; and that, therefore, he was determined to discharge very few hands at present. This gentleman had made some very opportune and, judicious purchases, and was known as one of the most experienced and successful manufacturers in the country, and with these circumstances in his favour, he calculated that, with the loss of a thousand pounds, he should be able to keep on until the spring, "and then," added he, "if things do not improve, I must discharge my hands, and God knows what will become of them." He thought that this anecdote would throw some light upon the cause of that excess of our exports which had been so much talked about. This gentleman was manufacturing at a loss, keeping on his hands at a sacrifice, and of course manufacturing the greatest quantity he could with them, sending the product abroad at a loss, and the result naturally was an increase in our exports. He might be told that this was only an individual instance; but he was assured by a gentleman, whose statement he was bound to believe, that this was a state of things which prevailed to a very large extent throughout the manufacturing districts. This was a state of things which could not very long continue. The manufacturers could not, even if they would, go on manufacturing at a loss for ever; their capitals must one day come to end, and when they became ruined, the hands which they had struggled to keep on, must be thrown out of employ to starve. And was this a state of things which should be suffered to exist? And if so, for what purpose? He felt sure that some of the greatest authorities upon this subject would readily come to his aid and show that the landed interests were not benefitted by these restrictions to the extent which had been contemplated in their enactment. He believed that some of the highest authorities upon this subject were of opinion that the fears of the landed interest were exaggerated, and that they would not suffer by the relaxation of these laws to the extent which they apprehended. The landed interest might, perhaps, turn round upon this announcement, and ask if they were not to be injured to the extent they apprehended, how the manufacturing interests could be benefitted by the alteration of these duties? To this he would answer, that the manufacturing interests would be benefitted by it, because, though we should not get all, nor anything like the greater portion of our corn from foreign nations, we should take a considerable quantity from them, for which we should give in exchange our manufactured products, and thus a great advantage would result to the country, not only by the employment given to our manufactures, but our ships employed in the transit of both these articles of exchange. Let this be done, and instead of a poorer and daily more impoverished population, we should have an industrious population, increasing in prosperity and productiveness. The happy effect of this change would be at once felt and recognised by every interest in the country, for there was no fact better understood than that one interest could not be long depressed without all the rest being affected; and there was no blunder more mischievous and absurd than to suppose that this connexion could be weakened or got rid of, which existed and must exist between all the great interests of the same state. With respect to all the observations of the right hon. Baronet the Member for Tamworth on the subject of the currency, he felt that all those points had been so amply discussed by his hon. Friend who preceded him, that it might almost be considered impertinent and a waste of time for him now to enter upon the subject. He was sure, however, that the right hon. Baronet must have been well aware that although the currency had suffered derangement at various times from other causes; that although in 1835 it had been deranged by causes so obviously and generally known, and though in subsequent years it had been deranged by other causes than the importation of corn, and though bad banking had led to silly loan-making and speculation, which had brought about much suffering and distress, yet he was sure that the right hon. Baronet did not mean to say that the importation of corn was not one of the causes of these derangements. He was sure that the right hon. Baronet would acknowledge that the fact of corn coming into the country not in a steady and uniform manner, but in the sudden and capricious way in which it had on recent occasions, must be productive of very serious and dangerous consequences to the country. The right hon. Baronet in the speech which he delivered when this subject was last under discussion in this House, made it a ground of complaint, and of very grave complaint against the Members of her Majesty's Government, that they had not so considered this subject as to see the necessity of speaking one common language, and of coming down to the House agreed upon some one common purpose in regard to it. Upon this point he most cordially concurred with the right hon. Baronet. Feeling as he did, the importance of this subject, and its danger in relation to the vital interests of the country; feeling that the country might every day be overtaken by a greater degree of that distress and misery of which he complained, and at a time when it was quite unprepared to meet so dire a calamity; feeling that these restrictions did and must continue to produce increasing misery, and that this growing weight of misery must eventually be averted, either calmly by legislation, or by the vigorous efforts of some domestic convulsion—feeling, in fine, that no arguments, no fallacies, no delusions which might be indulged in here, would satisfy those who were suffering outside these walls—he deeply regretted that her Majesty's Government had not thought it necessary to come down resolved and united upon some common sentiment and some course of policy in regard to this question. He also extremely lamented that the head of the Government had in another place used language which the right hon. Baronet had adverted to in contradistinction with that of the President of the Board of Trade in this House. The right hon. Baronet particularly adverted to the speech of Lord Melbourne, who was reported to have said, "Alter the Corn-laws if you please, but still foreign countries will not take more of your manufactures than they do at present." Who was there who understood this subject, and who had reflected upon it, and felt the injustice of the present restrictive laws, who did not deeply deplore that a man so enlightened and distinguished as Lord Melbourne was, and so generally right, should have made so great a mistake upon this important subject. It only showed when men were accustomed to old prejudices, how difficult it was to get clear of their influence. Now, he would ask, was there any Gentleman present who believed that foreign countries who could not now purchase our manufactures because they had not money to pay for them, if we took their corn and so afforded them the means of purchasing their various articles, would not gladly avail themselves of the opportunity of doing so? At present these people had nothing to give us in exchange for our manufactures, and were obliged to go without them. Open a market for some of their corn, and they would at once adopt the use of our manufactured articles. That Lord Melbourne should have made such a mistake upon this subject, and that her Majesty's Ministers should continue disunited in regard to it, were circumstances deeply to be deplored, and that calamities must ensue from such a state of things he greatly feared. But, what, he would ask, was the great secret and cause of this disunion on the part of her Majesty's Ministers, and why was there no speech uttered by them which held one common language? Her Majesty's Ministers knew that the landed interest had so strong a party both in this and the other House of Parliament, and that the prejudice against relaxing these restrictions was so strong, that it would be impossible to carry any measure of the kind until some change took place, which did not exist at present, but which he was confident would one day exist, and which he hoped would not be accomplished by means of tumult, disorder, and anarchy. When men were excited upon any political subjects affecting their interests, it was natural to suppose that they would resort to rather energetic measures in support of their views, and if he were to hear that certain doubtful steps were taken for getting up petitions by parties who were almost starving, the object of which was to put an end to their sufferings, he should say it was excusable. He should not wonder at it; he should think it one of those incidents which must naturally occur. But when he found a party who were not suffering under privations and want, who were not reduced to extremity and bitten by distress, when he found people like these resorting to extraordinary expedients to get up petitions in support of their views, he thought it was worthy of a passing remark. Now, he held in his hand a letter from a gentleman, giving him some particulars of the way in which a petition from Leicestershire in support of the Corn-laws had been got up; and he had thought it right to show that letter to the hon. Gentleman who had presented that petition, and to give him the names of all the parties referred to, in order that the charge might be fully met. This letter stated, that a petition had been got up by the landowners of Leicestershire in support of the Corn-laws; amongst other places from Earl Shelton, a populous village in that county, and had been taken to the free school there, where six of the boys—[the hon. Gentleman read the names]—signed it. Four of these boys were entered as "farmers," the fifth as a "carpenter," and the last as a "grocer." So it appeared that boys at a free school were farming, carpentering, and dealing in groceries in the free school; these were the petitioners against the repeal of the Corn-laws—these were the authorities by which the House was to be led to suppose that the people of this part of the country were very happy and contented with their lot under the operation of these laws. He did not charge the hon. Member for Leicestershire with any share in this transaction, nor was he disposed to lay more stress upon it than it deserved. They all knew that these sort of things did and would occur sometimes; but when they heard so much said about undue excitement and influence being used by the advocates on one side of this question, he must say, that it would be as well for such practices to be avoided by those who were so loud in their complaints. He would come now to the prayer of these petitioners. They referred to their continual fear, that the importation of foreign corn would reduce the price of British-grown corn to such a level as to destroy agriculture, and leave the country dependent upon foreign countries for a supply of food. Now, he would ask agricultural gentlemen at what period was agriculture most improved? He would ask them whether it was not when corn was cheapest; when, during a long time, it had become cheap in consequence of abundant harvests, that greater improvements were made in the art of agriculture than in any other period of our history? And from this fact he might fairly deduce that a fair competition with foreign countries, and the introduction of a moderate quantity of foreign corn, would increase rather than diminish the productiveness and agricultural skill of this country? Why, who now most desired the continuance of this artificial protection—the scientific agriculturists of Scotland, or the bad agriculturists of Buckinghamshire? The farmers of Scotland made no complaint; on the contrary, they said, "leave us to ourselves, we want no protection." [*Hear.*] The hon. Member for Lincoln appeared not quite to agree with his information, but he would beg of him to be as industrious upon this point as he was upon every other branch of the subject, and he was sure the hon. Gentleman would come to the same conclusion. In Scotland, there was a very strong and general opinion, that the apprehensions of the agriculturists of England upon this subject would not be equalled by the result. He, for one, would much rather take the opinion of the agriculturists of Scotland upon this point, than that of the farmers of Buckinghamshire. Some difficulties might exist in the way of any alteration of these laws; but he would ask, was the House prepared to incur the horrible risk of facing an increasing population, a population increasing in a ratio which it was fearful to contemplate, whilst the means of supplying them with employment and food remained the same? The population of this country was now increasing at the rate of about 400,000 a-year, and it became a question of deep and momentous import for Parliament to consider how all these people were to be employed, so as to ensure their own contentment and happiness, and the peace and advantage of the country at large. Eight shillings a week was now considered a prize in some manufacturing districts—a prize not within the reach of every one—and he would ask, was this stipend enough to satisfy the wants of a poor man's family: and if not, by what means could he hope to obtain enough? It was a saying as old as the hills, that "if you will not let cheap corn come to the people, the people will go to the cheap corn;" and he was astonished to remark, that the petitioners in support of the Corn-laws did not see that by maintaining their rigorous enactments they were driving the manufacturers from their shores, and that consequently the amount of the productive labour of the country must decrease, whilst the increase of mouths to be fed was still going on. He would ask Gentlemen what would be the probable result of the vast increase of population now going on, and who were unemployed or partially employed? They might complain of Chartism, and denounce it—justly denounce its outrages and its follies; but he would ask the House, did they think that they had done with it, and that it would not revive in one form or another? Could severity keep discontent within bounds, when the poor man wanted food and labour, and could not obtain either? He believed that there might be an extent of suffering and calamity too strong for any legal restraints, and that when this point was reached a fearful conflict must result. In the petition which he had this evening presented, signed by 7,775 persons, the petitioners said that it was no use to call upon this House for a repeal of the Corn-laws; that the question had been got rid of in a very improper manner on the last occasion it was before them, and that there was no hope of a better result for the future; the petitioners then went on to say, that they had been disappointed in the operation of the Reform Act, and that there was nothing left for them but to reform that measure. Now to him this sounded a very grave and fearful announcement. They had here a large number of men, who said to this House, "we have no longer any confidence in your looking into our grievances and distresses." And these were not persons anxious for social troubles, or likely to trifle with social order and encourage trouble and misrule; on the contrary, there were persons amongst them who dreaded confusion and everything calculated to lead to it. These gentlemen implored the House to consider this great question, and deal with it with justice, before the time came when consideration would no longer be called for by a starving people, who, after long neglect and patient suffering, would be desperately driven to redress themselves.

Mr. *G. Heathcote* had always been an advocate for agriculture and everything connected with it, and though he felt that the question had been sufficiently debated, he wished to make a few observations on the subject. He was pleased at the temperate manner in which the question had been hitherto discussed in that House, forming such a contrast to the violent and offensive manner in which the discussion was carried on out of doors—a manner which did the cause of those who employed it little good, and the adverse one little harm. In reference to the different propositions which had been offered, he must oppose them. As to the proposition of the hon. Member for Cambridge, he felt it his duty to give it his opposition. In reference to the proposal of a fixed duty, which had been so temperately and so ably made by an hon. Member, he was of opinion that the present system was preferable: a fixed duty was always either too high or too low. In regard to the proposal of the hon. Member for Taunton, it would be a low duty when the price of corn was low, and no duty when corn was high, and comprised the evils of other systems without their benefits. If there was a fault in the present Corn-law, it was that after the price reached 70*s.* the duty fell too quickly. He assured the House, that in the part of the country he represented but one feeling prevailed amongst high and low, rich and poor, landlord and tenant. At many of the meetings, the tenants taunted their landlords that they did not come forward sufficiently, but left the battle to be fought by the tenants. Even tradesmen in small towns partook of the same feeling. A labourer gave this sensible answer to a person who wished him to petition against the Corn-law—"If you abolish the Corn-law, I shall get 1*s.* 6*d.* a-day instead of 2*s.* 6*d.*" Upon these grounds, the agricultural interest were determined to stand by the present law, and they would not hear of surrender or compromise; because they thought the corn-laws founded on reason and justice, and that, therefore, they would last, being based upon the opinion of the great majority of the constituency of the empire. They claimed no exclusive protection, as the manufacturers did. The proposition of the hon. Member for Wolverhampton ought to be for the abolition, not of the Corn-laws alone, but of all protection of other trades. Every class of the productive industry of the country had relief but corn; the agriculturists were the only class excluded. He found almost every other branch of British industry protected. Wool had a protection of only 1*d.* or ½ *d.* a pound; but woollens had a much larger protection. With respect to linen, on the east coast of Scotland there was a strong feeling against the Corn-laws; now, within the last ten years the linen manufacture had enjoyed a bounty, and in 1829, no less than 300,000*l.* had been paid as bounty to the linen manufacturers. It appeared to him, that the present question had at all times been argued as if the protection was on the side of the corn growers, and that none whatever had been enjoyed by the manufacturers; but it was well known that many classes of manufacturers enjoyed protection, and that many more desired a further fortification of their monopoly by additional duties upon foreign imports. Not long since, petitions had been presented praying for a repeal of the Corn-laws, and at the same time demanding a protective duty upon silk. Then they had frequently heard complaints from parties connected with the shipping interest. Now, upon that point he must be permitted to say, that there was no class more fully protected than were the shipowners; they were protected by the navigation laws, they enjoyed the colonial trade, the coasting trade, and many other advantages. It should be recollected that the manufacturing and the shipping interests enjoyed almost complete monopolies, the one in clothing the people, the other in the carrying trade. He contended, then, that each class should be content with the advantages that each possessed, for it amounted to monopoly as much in the one case as in the other. Men should take the beams out of their own eyes, before they presumed to remove the motes from those of their brethren. Hon. Members had sometimes said, that they wished to bring the present question to an issue. He also desired to bring it to an issue. Let the whole question of free trade be gone into. Let there be a free trade in all things, and not in corn alone. Let that proposition be discussed and voted on just before a general election, and then let Gentlemen candidates — Members no longer—go down to their former constituencies, and try what sort of reception they would get. It must be recollected by all who heard him, that the present question had always been argued as if it was one which mainly affected the aristocracy. He had even heard it said, that the whole of the proprietors of land in the kingdom did not amount in number to 30,000 persons. He believed that there was no one possessing the least knowledge upon the subject who would not bear him out in the assertion that the landed proprietors of the United Kingdom amounted to hundreds and hundreds of thousands. He was further enabled to say, and to state the fact with confidence, that the smaller proprietors were more united in their opposition to repeal of the Corn-laws than the aristocracy. Amongst the aristocracy there were several crotcheteers who entertained very unsound opinions upon the subject, but the smaller proprietors were united as one man in their support of the existing system. He had the honour to represent a great body of small proprietors, and he felt assured that his opinions with respect to the corn-laws precisely coincided with theirs; he was sure that he spoke their sentiments and the feelings likewise of the great bulk of the landowners, when he said, that the question ought to be argued upon the basis of an universal free trade; to bring it forward upon any other ground was to blink the question, and not to argue it fairly. The supporters of the present system had always been told that the proper way to meet the evils complained of was, by lowering the rents; they had been told by some, that this was the only mode of dealing with the question. Surely the manufacturers ought to reflect upon the probable consequence of extending this doctrine to themselves. They must be aware that the change which they sought could not fail to depress the wages of the agricultural labourer, and therefore to lower that of the manufacturer and the artisan; but he hoped the time would never arrive when this country would enter into a competition of low wages with the working people of the continent. Let the manufacturers of this country compete with their continental rivals in all that capital, manufacturing habits, and experience could accomplish, but he must deprecate any attempt to benefit the master manufacturer by lowering the wages of the men. He desired to ask those who so earnestly wished the importation of foreign corn, whether they were quite sure that when we agreed to take the corn of the continent, our neighbours would thereupon agree to give up their own manufactures and use ours instead. Of this no man who looked fairly at the question, could doubt that the cheapest and the surest loaf which we could have was that which we produced ourselves. Much had often been said in discussions on the Corn-laws with reference to the food of the working classes. That afforded anything rather than an argument against the existing system. Fifty years ago the food of the working classes was the blackest bread; it was now composed of the finest wheaten flour, and though they sometimes used potatoes, it was as an addition to their ordinary food, and not as a substitute; besides which, their clothing and fuel had of late years become much cheaper than heretofore, and they were in all respects better off than they had ever been; hence it proved easy at all times and in all parts of the country, to obtain signatures to petitions in favour of the Corn-laws. Finally, it was his opinion that there would be much more emigration were it not for the Corn-laws, that on the average of years the corn produced in this country was sufficient for the use of the people, and that upon the whole no change was likely to be productive of beneficial results.

Mr. *Packe* was opposed to the motion, but rose principally for the purpose of saying that the hon. Member opposite was in error with respect to the petitions which he had presented upon this subject. Amongst thousands of signatures there were only six names of persons under the age of twenty-one, and they were not little boys, as had been stated, but well grown boys, the sons of respectable farmers. He denied altogether that anything at all approaching to coercion had been practised.

Sir *Henry Parnell* said, the hon. Member for Lincolnshire had placed the question on very fair grounds, by stating his readiness to agree to the removal of all protection to agriculture, if all protections were taken off trade and manufactures; but if it depended upon the readiness of the manufacturers to consent to give up the various duties by which it was supposed they were benefitted, the advocates of the Corn-laws would be very soon called on to fulfil the condition the hon. Member had suggested—namely, to give up the Corn-laws. But the hon. Member had made a very erroneous statement when he said that the manufacturing interest had not come forward with any specific proposition to have the protection of manufactures removed, for there was no class of manufacturers that had not in the course of this or preceding years presented petitions to this House, or memorials to the Board of Trade, expressing a desire to have all grounds of foreign commercial jealousy removed, by repealing all protecting duties. On this point he could speak with certainty, with regard to the manufacturers and merchants of Dundee, for he had presented several petitions and memorials declaring their readiness to agree to the principles of free trade being generally acted upon. The hon. Member for Lincolnshire had referred to the high duties on foreign linens, to illustrate the right the agriculturists had to similar protection; but he could say, that his constituents, who carried on the linen manufacture more extensively than any other manufacturers, placed no value on these high duties, and were ready to consent to their being taken off. So, with regard to the old linen bounties, the greater part of these were received by the merchants of Dundee; but there was no point on which so much unanimity prevailed as with regard to the benefit the linen trade had derived from the repeal of these bounties. In addressing the House upon the motion immediately before it, he would call upon those hon. Members who were so strenuous in supporting the Corn-laws to look more accurately into the facts of the case. Those hon. Members were satisfied in going on repeating arguments which might have had some foundation when the Corn-law of 1815 was passed, without at all considering how great a change had taken place in all the main circumstances connected with the production of corn in this country. It was in this way that the assertion was still made, that low prices of corn would throw an immense quantity of land out of cultivation, and that this would be followed by the ruin of farmers, by depriving agricultural labourers of employment, by diminishing the demand for manufactures and for manufacturing labour, and by rendering the revenue insufficient for the payment of the dividends; but the experience of the working of the Corn-laws, proves that this assertion is wholly unfounded. For some years after the law of 1815 was passed, it was admitted by the opponents of it, that land would be thrown out of cultivation, unless high prices were sustained, and it was said by persons of high authority, that no inferior land would be cultivated, in consequence of the large amount of capital and labour which was required to render it productive, without high prices; and, had there been no Corn-laws for some years after 1815, this would have been the case; for it appears, on looking at the prices of corn, that, for seven years, from 1815 to 1822, the average price of wheat was 75*s.*; and for ten years, from 1822 to 1832, that the average price was 60*s.*; and therefore, to have opened the ports to foreign corn would necessarily have thrown land out of cultivation; but, since 1831 the case has been different; for, from that year, during six successive years, the average price of wheat was 50*s.*, and for the years 1834, 1835, and 1836, no more than 44*s.* 8*d.* Now, with these low prices, sufficient was grown for our own consumption, no more than 380,000 quarters of foreign corn having been imported in these six years; and, as the population had increased nearly five millions between 1815 and 1838, the fact was placed beyond all doubt, that the cultivation of land had been immensely increased during this period of so low a price as 44*s.* 8*d.* The most abundant harvest ever known was that of the last of the six years—namely, 1837; and the proper conclusion to come to from these facts was, that, if the admission of foreign corn were to have the effect of keeping down the price of wheat to 45*s.*, land would not be thrown out of cultivation, and none of those ruinous consequences would follow with regard to farmers, labourers, manufacturers, and the revenue, which are so confidently predicted as unavoidable, if the price of wheat was below 60*s.* a-quarter. On referring to the produce of corn in different years, and to the prices of it, it would be found that the largest quantities of wheat sold were in the three years of 1834, 1835, 1836, when the average price was 44*s.* 8*d.*; but, during that period, the country never exhibited a greater extent nor higher degree of cultivation; and it was perfectly fair to presume that, at a price of about 45*s.* there would be no reason to apprehend that much, if any, land would be thrown out of cultivation. As to the effect of repealing the Corn-laws on the labouring classes, all that was urged by the advocates of them was entirely erroneous: they say it would lower the wages of labour; but if they at all comprehended the grounds on which wages were regulated, and examined the principles on which the persons who want to employ labour, and the persons who wish to have their labour employed dealtogether, they would find that wages do not follow a rise or fall in the prices of provisions, except at long intervals, and that all experience proves that the labouring class continue to receive as high wages, when the prices of provisions fall, as before, or even higher; because this class has the means of coming into the market for various articles of comfort and luxury from which they are excluded when provisions are dear; and in this way millions of consumers are added to the usual number, and a fresh demand for labour created, which leads to an advance in wages when the prices of provisions are low. Instead, therefore, of the Corn-laws being of advantage to the labouring classes, as the opponents of the repeal of them say they are, they are in reality the cause of the distress this class suffers under, and the cause of lowering wages instead of upholding them. With regard to the argument which is so much relied on by the advocates of the Corn-laws, that the repeal of them would diminish the demand for manufactures, and for manufacturing labour, this rests wholly upon the assumption, that great tracts of land would be thrown out of cultivation, and that all landlords, farmers, and agricultural labourers, would have their means of buying manufactures greatly reduced. But, as this assumption has been shown to be entirely devoid of foundation, these consequences could not take place, nor could they take place with an increased cultivation of land and low prices; for it can be shown by reference to the prices of the six years, from 1831 to 1838, when the price of wheat was 50*s.*, and of the years 1834, 1835, and 1836, when the price was 44*s.* 8*d.*, that at the close of these six years—namely, the year 1838—the commercial, manufacturing, and mining interests, enjoyed a state of undoubted and substantial prosperity; that the employment was general of the working classes at full wages; and also, that the revenue was greatly increased. These circumstances, therefore, furnish a decisive contradiction of the often-repeated, but perfectly unfounded, assertion, put forth by the parties interested in the corn monopoly, that high prices of agricultural produce tend to increased demand for other productions, and to extended employment and higher wages to the working population. He had the authority of Mr. Tooke to sustain the correctness of these statements; and he could not suppose that this authority would be held to be of little value, after the frequent reference to Mr. Tooke's opinions, which had been made by the right hon. Baronet, the Member for Tamworth, in his speech on the late debate on the Corn-laws, when those opinions seemed to favour the views of the right hon. Baronet in respect to our general commercial affairs. There was another point—one on which the advocates of the Corn-laws, in truth, built their whole case—and that was the opinion which they entertained, as if it was one that could not be erroneous, that foreign corn would be imported in vast quantities, and bring down prices, if the restraints on importing it were taken off; but, he believed, that if they would make themselves acquainted with the true state of the case, they would, like him, see that no such vast importations could take place. This, however, was a part of the question which they never would discuss. He had last year quoted the prices of corn in the various foreign ports of exportation, and shown that it could not be imported into this country with profit, if the prices were below 45*s.* for wheat; but, though no attempt was made to show that his statements were inaccurate, no kind of attention was then or is now given to the consideration of the subject; and the hon. Member for Bassetlaw, in the late debate, said, it was a mockery to state that foreign corn would not be imported, if the Corn-laws were altered. But, if the fact was, that, taking the prices of corn abroad, the charges for transporting it, and the quality of it, into consideration, it could not be imported for less than 45*s.* for wheat—and if it was also a fact, that in this country the price of wheat was in 1834, 1835, and 1836, no more than 44*s.* 8*d.* a-quarter, without any foreign corn being in the market, and without rents being reduced, or any other predicted evil occurring, then it was no mockery to say, that the apprehensions of the advocates of the Corn-laws, regarding the consequences of a repeal of them were quite unfounded. But, even if the price at which foreign corn could be imported were less than 45*s.* for wheat—suppose 40*s.*—it did not, by any means, follow that rents would be necessarily reduced. The error commonly made on this point was, that rents are considered to be regulated only by the prices of the produce of land; but, if that were the case, the rent of all countries would be the same where the prices were the same. This, however, is not so, for it is well known that rent is higher in Scotland than in England, although the price of corn is lower in Scotland than in England, a fact proved by Scotland exporting corn to England, the truth is, that rent depends not only on prices, but on the manner in which land is farmed, and it is the superior husbandry of Scotland that produces the higher rate of rent. For these reasons, the present rate of rent now paid in England might be sustained if the admission of foreign corn should reduce the price of wheat to 40*s.*, by the landlords and farmers introducing the Scottish system of husbandry, for there could be no doubt that every improvement which adds to the acreable produce of land adds to the rent that can be paid for it. The practice of draining, green crops, new manures, improved skill, and economy, these and many other improvements, all tend to increase permanently the acreable produce of land, and to enable farmers to pay more rent; so that, provided sufficient time were allowed in changing the present system of Corn-laws to a system of free-trade, for those improvements in farming to be introduced into England, which the present state of its husbandry admitted of, there was no reason why the present rents might not be paid with a price of 40*s.* for wheat. Such, in point of fact, is the inferior state of husbandry in England, that there can be no doubt the rents might, with proper farming, be increased from twenty to twenty-five per cent.; and in Ireland, where the system of farming is a vast deal worse, rents might be increased by an improved system from thirty to forty per cent.—that is to say, the rents paid to the landlords in fee, not to those persons who are commonly called landlords, but who are only middle-men, and who certainly exact excessive rents. It had been said, in the course of the late debate, that Ireland would be more exposed to suffer from an alteration of the Corn-laws in England; but this resource which the landlords have of adding to the value of their estates by the introduction of a proper system of farming instead of the present one—without drainage, sufficient manure, or even the practice of sowing turnips and clover—makes it clear that Ireland would only suffer from her own negligence. He was prepared to go more fully into the question by referring to various other points; but the discussion had now been so extended, that he would not farther trespass on the time of the House—he would only call on those landlords who so strenuously supported the Corn-laws, to make themselves accurately acquainted with the facts of the case; for, if they would, he believed that many of them would change their opinions and come round to the same opinions that he had formed, for he had the same personal interest in the decision of the question that they had; he depended on rent as well as they, and he was just as anxious to prevent his rents from being reduced as they could be; but, after having most carefully examined what the consequences would be of a total repeal of the Corn-laws, he felt quite convinced that neither he nor any other landlord would be at all injured by the change, provided it were made gradually; and, therefore, he should vote most willingly for the motion of the honourable Member for Wolverhampton.

Mr. *Baillie* was fully aware that this subject had been so ably treated by hon. Gentlemen on either side of the House upon a former occasion, that it would be quite impossible to bring any new arguments to bear upon it; yet, representing as he did a large agricultural community deeply interested in this question, he trusted he might be permitted to make a few observations to the House. This could now be regarded in no other light than as a political and a party question, and hon. Gentlemen opposite had begun to find out that they could no longer agitate the country so successfully as formerly upon the subject of reform, for it had been clearly proved to the people that the ancient system of jobbing, abuse of patronage and of the public money, which was said to have existed in former Tory Administrations, was just as rife and just as much practised in a modern reformed Whig Government. They perceived, also, that the only effect of the Reform Bill had been to throw political power more into the hands of the middle classes, who had used it for their own advantage by forcing upon the Government the reduction of those taxes which pressed peculiarly upon themselves, such, for instance, as the House-tax, and the Post-office tax, whilst fresh burdens must be placed upon the great body of the people, to make up the deficiency in the revenue caused by the reduction of the taxes to which he had alluded. Reform, then, being no longer a fruitful subject of agitation, the hon. Gentlemen opposite had taken up the Corn-laws. That, indeed, was a question which came home to the breast of every poor man throughout the country. It was a question most deeply interesting to the people, more interesting than any other which by any possibility could be brought under the consideration of the House, and therefore it was that her Majesty's Government ought to have some opinion upon the subject, and that of all others ought not to have been made an open question. There must, indeed, be a great amount of good sense as well as of sound instruction amongst the great body of the labouring classes in this country, or they would have allowed themselves to be seduced and led astray by all the inflammable appeals which had been made to them by paid agitators upon this subject; and it was indeed surprising, considering all the errors which had been so industriously circulated amongst them, that they had not been induced to rise in every part of the country in order to attempt, by a display of physical force, to abolish those laws which they were daily taught to believe were contrary to the laws of God, and invented for no other purpose and with no other object than that of robbing the poor in order that the rich might revel in luxury. And yet to such appeals as these her Majesty's Ministers had condescended to lend their countenance; and, as if the subject were not already sufficiently calculated to create excitement amongst the ignorant and uneducated, they had thought it necessary to endeavour to connect it with religion, and a Cabinet Minister had gravely told that House that he could not with a clear conscience offer up a prayer for his daily bread, unless he voted in favour of the motion of the hon. and learned Gentleman the Member for Wolverhampton. So then, it appeared that the object of making this an open question was to enable the Members of the Government to use violent language, and to agitate amongst their constituents in their individual capacity, without thereby raising any bar to their continuance in office under a chief who had declared himself decidedly and diametrically opposed to their views; in short, to give the government all the advantage of the agitation, without the responsibility of bringing forward any measure upon the subject. Now, he appealed to those hon. Gentlemen opposite who represented large agricultural constituencies, and who believed, as many of them conscientiously did, that the maintenance of the Corn-laws was best calculated to promote the interests of their constituents, as well as of the country at large, and he would ask them how they could continue to support a Government, with due regard to the interests of their constituents, which was acting so unworthy a part upon a question of such great and paramount importance? He trusted, however, that the people were now sufficiently aware that the abolition of the Corn-laws would produce no great or permanent relief to the labouring classes; that so long as corn formed the staple article of the food of the country, it must regulate the rise and fall of wages; that the immediate effect of abolishing the Corn-laws would be to throw out of employment a great portion of our agricultural population, together with the capital now employed in the cultivation of poor lands. Even if an impulse were given to our manufactures, would that impulse be sufficient to employ all the capital withdrawn from the land, or to occupy the hands that would be thrown out of employment? The great amount of misery which might be created amongst certain classes of the people by sudden changes and alterations in our fiscal regulations, were not sufficiently considered, and he would therefore state what had actually occurred with reference to this subject in the district which he had the honour to represent. It was well known to the House that in consequence of the reduction of duty on barilla and other causes, for which no blame could attach to Government, the manufacture of kelp in the western highlands had been annihilated, the consequence of which was that 6,000 people had been thrown out of employment and left entirely destitute. Now a political economist would naturally suppose, that, with Glasgow and Liverpool at no great distance, these poor people had shipped themselves off for those cities, and were now employed in manufactures. Such, however, was not the case; years had passed away—to these poor people years of famine, of misery, and of wretchedness; yet still, in spite of all privations, they clung to their highland homes, and he knew one great landed proprietor, who had been accustomed for some years to manufacture annually 700 hhds. or 800 hhds. of kelp, at a cost to himself of *55s.* a hogshead, and which he could only sell in the market at *42s.*, thus losing *13s.* a hogshead; and he had been induced to continue this ruinous trade from no other motive and with no other object than to save from actual starvation some thousands of poor wretches who were living upon his estate. Now, if such an amount of misery had beeen created by the alterations of fiscal regulation upon an article of such trifling comparative importance as that of kelp, what might we not expect, if alterations were to be made in the duty which regulated the greatest article of consumption in the country, the food of the people? Were the landlords of England prepared to follow the example of the noble individual to whom he had alluded, to raise corn at a cost of *55s.* a quarter, and to sell it at *42s.*, to save the labourers on their estates from starvation? It must be borne in mind that the great population of the western highlands was created by the encouragement which was at one time given to the kelp manufacture, and so in like manner our great agricultural population had arisen in consequence of the encouragement and protection which had been afforded to the growth of corn, and if we withdrew that protection, the same consequences which had followed in the one case must follow in the other; the difference was, that it would be upon a grander and more extensive scale. That cheap corn in a country was not always and of necessity a proof of the prosperity and thriving condition of a people, he could himself bear witness. He had remarked in those countries of Europe where corn was cheapest, he meant in parts of Poland and of Hungary, that there the people were invariably the most miserable and the most wretched, and that everywhere the comfort of the people seemed to rise in those countries where the average price of corn was the highest. He did not mean to draw any inference from this or to build any theory upon it; he stated what he had witnessed as a fact, and he might perhaps be permitted to observe, that if it proved nothing else, he might at least infer from it, that cheap food was not the greatest blessing that could be conferred upon a people, unless it was accompanied by high wages, which was impossible. It was a melancholy fact that in all highly populous countries the great body of the people would only be able to obtain wages barely to procure themselves the necessaries of life, and that no laws that could be devised, and no alterations or changes in our fiscal regulations, would permanently alter that condition. It was one of the greatest defects of modern civilization—of the boasted civilization of the present day, that it had no tendency to increase the happiness or to lighten the toils of the great body of the people; on the contrary, as yet it had increased them, and this remark, it appeared, was equally applicable to America as to England; and a great living author in that country, the celebrated Dr. Channing, had remarked this as one of the greatest defects in what he called the progress of society. Dr. Channing said, it never could have been the intention of the Creator that the whole of life should be spent in drudgery for the supply of animal wants, and that civilization must appear very imperfect in which the mass of men could redeem no time for intellectual, social, and moral culture: he went on to say, that it was melancholy to witness the degradation of multitudes to the condition of beasts of burden. Who would deny that this description was peculiarly applicable to the condition of the people in our own country? He might be told that it was the effect of the Corn-laws, but it must be remembered that these observations were addressed, not to England, but to America—to a country where they had no Corn-laws, no superabundant population, and where they enjoyed the blessings of universal suffrage and the ballot. How the state of society could be so changed as to prevent the excessive pressure which weighed down our labouring population was undoubtedly a difficult question; but of this he felt convinced, that no change in the duties which regulated the import of corn would be calculated to produce any such results. You might divert the flow of capital, and the stream of industry from agriculture to manufactures by your fiscal regulations, but even could you succeed in raising for a short time the profits of trade and the wages of labour, they would soon be reduced again by competition to their original level; indeed, it was upon the theory of low and reduced wages that all the calculations for the great extension of manufactures were based. It was not the foreign but the English capitalist who reduced by competition the profits of the manufacturer, and in like manner it was the great amount of our population which reduced the wages of the labourer. Believing that neither class would be permanently benefited by the alteration of those laws, but that, on the contrary, a great amount of misery would be created in our rural districts amongst the agricultural population, he should vote agains the motion of the hon. Member for Wolverhampton.

Mr. *James* observed, that after the numerous pamphlets that had been published, and the array of speeches that had been made upon the subject of the Corn-laws, it was not easy to say any thing new. He had heard nothing new that evening, and he should certainly make no attempt to advance any thing that should be novel. He should not have risen at all, had he not felt it necessary to make some explanation of the vote he intended to give in favour of the motion of the hon. Member for Wolverhampton. While he gave that vote, he was anxious to guard himself against being thought to adopt the whole of the hon. Mover's opinions, and being supposed to give a vote in favour of the total, immediate, and unqualified repeal, or rather abolition of the Corn-law, which he considered tantamount to giving a vote in favour of the immediate and total injury and ruin of a vast number of persons. He meant all those who had the misfortune of possessing land incapable of growing any thing but corn. He was willing to go into committee for the purpose of considering, whether any and what alterations and improvements could be made in the existing system. He believed the Corn-law to be capable of such improvement as should be beneficial to all classes, and injurious to none. His own prepossession was at present in favour of the admission of foreign corn at all times at a moderate fixed duty, considering the present fluctuating scale to be mischievous, except to a few speculators. He believed that no steady merchant would engage in the foreign corn trade under the present system. With respect to the motion of the hon. Member for Cambridge, he did not think it the best alteration that could be made in the law. Under these circumstances, he should vote in favour of the original motion, at the same time protesting against the inexpediency, impolicy, and injustice of doing away with all corn-laws, and thus depriving the landed interest of all that protection to which he considered they were fairly, justly, and honestly entitled.

Viscount *Sandon* agreed with some of the opinions expressed by the hon. Member who had just sat down, but could not arrive at the same conclusion as the hon. Member. He could not conceive, that the act of going into committee upon an occasion like the present, under the guidance of the hon. Member for Wolverhampton, and with the expression of opinion that had fallen from the great majority of the hon. Members who had supported him, and without the assistance of some leading Member or some great party, would be fair, just, and honest towards the great interests at stake. He must admit, that it would be easier for him to vote for going into committee than against it. He should certainly have the support on that point of the larger part of his constituents. Therefore, it was not personally agreeable to him to take the course he was about to take; but as he still conceived, that the existing principle of protection ought to be continued to the agricultural interest, he was determined to follow the course he had hitherto pursued, notwithstanding any misunderstanding that might arise. He was quite prepared to say with some hon. Gentlemen, that he did not think the present law perfect in detail—that he did not think the sliding scale well adapted for its purpose, and he should be glad to see a leader of a great party in that House come forward with a distinct and definite proposition, stating to what extent an alteration was to go. He considered the proposal made by Mr. Canning and Mr. Huskisson, was better than any he had heard. With respect to the general principle of protection, which he thought was the question at issue before the House, his opinion was that the landed interest of the country was fully entitled to protection. They were told that the present system exposed the monetary system of the country to great derangement, by the extraordinary drains upon the bullion when the foreign corn was brought in. He could not think that a change of principle would effect any difference whatever in that respect. Suppose a change were to be made so as to import 3,000,000 quarters of foreign corn annually; that quantity, he apprehended, could not be paid for in manufactures. Then the country would be still exposed to the fluctuations of the seasons, and occasions would arise when it would require as much more of the foreign grain; for instance, suppose in one year we were to import 3,000,000 of foreign grain, and pay for it in bullion, we should still in a year of extraordinary deficiency have to import 3,000,000 extra, which we should also have to pay for in bullion. Therefore, he could not see that a change in the Corn-law would affect that principle. They were also constantly told of the misery, starvation, and destitution that prevailed thoughout the country in consequence of the Corn-law. They were told that the peasantry derived no advantage from it. Now, he had some impression that during the investigation which preceded the new Poor-law, an inquiry was instituted into the condition of paupers in other countries, and the system established for the relief of the poor, which was afterwards condensed by a gentleman of great ability, Mr. Senior, one who was no great friend to the landed interest, and the result was to the following effect. He had not alluded to one notorious fact—namely, that the standard of health and longevity in this country was superior to that of any other country on the globe. Mr. Senior's summary came to this conclusion, that upon comparing the statements of mortality in France, Germany, Belgium, and England. the result was in favour of England—that in the article of money wages English labourers had greatly the advantage—it might be said nearly double; and as clothing and fuel were cheaper the benefit was proportionate. Also by a comparison of foreign returns with those made in England, it appeared, that in 491 parishes out of 687, wheat was not the exception but the rule, as an article of food; whilst in the north of Europe and in Belgium the diet was greatly inferior. The statement of Mr. Senior, then, proved the condition of the English labourer in every respect to be superior to that of the labourer on the continent. They were also told that the competition in which the British manufacturer was engaged compelled him to work for a greater number of hours, and to exact a greater amount of labour from his workmen than the foreign manufacturer. If Gentlemen would refer to the statements made by the great manufacturers, at the time they were contending against the limitation of the hours of labour, as to the want of control over foreign labour, they would find, he thought, assertions very different from those now made, and that the foreign labourer works a greater number of hours. There was no doubt that at the present moment it might be convenient if a particular exception in favour of America could be made, and that we might derive some temporary advantages from such an arrangement. But hon. Gentlemen must remember that we could not deal with one nation upon a principle we do not apply to another, and if we were to open the door to America, we must do the same to other countries, and we should then have foreign corn thrown in upon us without limitation, and a great amount of agricultural distress would be created. The manufacturer would then see whether he would not lose more in the home market than he would gain in the foreign. He had been much surprised at the speech of the right hon. Baronet, the Paymaster of the Forces. The right hon. Baronet had drawn so delightful a picture of the existing Corn-laws and their effects, that he had been indeed amazed when he heard him conclude his speech to the House by a declaration, that he was of opinion that the system must be altered. The right hon. Baronet said, that there was no reason to be apprehensive of any mischievous results from the introduction of foreign corn; but if that were the case—if such small effects were to be produced, where were the advantages, he begged to inquire, which were to be effected by the alteration of the law? For his own part, however, he considered that great and important changes would be the effect of any alteration in the existing law, and he was not prepared to embark in what was merely an experiment, convinced, as he was, that it was an experiment of a very important description, and one which was unlikely to be attended by any favourable results.

Mr. *Warburton* would vote for going into Committee, because he believed that to be an intermediate step, which was absolutely requisite before the measure of repeal was adopted. He found, too, that such had been the opinion of Mr. Huskisson. That lamented gentleman only a few weeks before his death, declared, that he believed that the first step towards the total repeal of the Corn-laws would be the adoption of a moderate fixed duty, and that that would lead at no very distant period to the adoption of the measure of their total repeal, and convinced as he was of the truth of this argument, he at once declared his intention to vote in favour of the motion. Rather than have no change at all, he should vote for a fixed duty, although he must say that he had rather record that vote, in favour of a total abolition of the tax. The right hon. Baronet the Member for Tamworth, had said upon a former occasion, that no one had ever contended that the currency was affected exclusively by the sudden demand for corn. There could be no doubt that no such circumstance could produce such an effect alone. The right hon. Baronet had referred to the authority of Mr. Jones Lloyd upon this subject, and to the arguments used by him in refutation of those employed at the Chamber of Commerce at Manchester. Referring to the same authority, he found that Mr. Jones Lloyd had accounted for the effect produced upon the currency in 1839 by these means. He said, that there appeared to him to be every reasonable ground for believing that the currency was in a sound state previous to the harvest of 1838, and that it would have continued so, if that harvest had been sufficient for the purposes of this country, without our obtaining foreign supplies. The effect of the failure of the harvest, however, was to require a large importation of corn. A corresponding increase of exports could not be expected to take place with the same rapidity, and, therefore, the export of bullion became requisite. It was too much to say, that there were no other causes which affected the exchange; but there could be no doubt that this was the predominant cause, and that this export had deranged the condition of the circulation, which was otherwise good. So also, he admitted, that the state of the corn trade was the cause of the effect upon the state of the currency; but he did not say, that it was the only cause, although it was one which had been extremely powerful. The right hon. Baronet, as a member of the Government, had used the same argument in the year 1827, and he thought that little doubt could exist of its strict propriety. The right hon. Baronet said,

> "One of his reasons for wishing to see an alteration in the present system of our Corn-laws was, that the continuance of it would endanger the currency. There had been such an alteration in the currency since the Corn-laws were first introduced, that it was quite impossible to impute inconsistency to any man who, in 1827, condemned the continuance of the measure which he had supported in 1815. The Bank of England having returned to cash payments, and being obliged to pay in gold, nothing would be more likely to injure that measure, to cause a run upon the Bank, and to send gold out of the country, than the system proposed by the hon. Gentlemen who differed from him and his colleagues upon this question. One hon. Friend of his had mentioned the fact, that he had seen foreign ships receive gold for their corn, and then leave this country in ballast; and this, too, at a period when the importation of corn was limited. But if this took place under a limited importation, let hon. Members consider how much more extensive it would be if, under the present system, corn rose to 80*s*., and the ports, of necessity, were kept open for three months. In the case of such a scarcity as opened the ports in this way, speculations would be indulged in to the greatest extent, and must be paid in gold, so that such a run would be caused upon the Bank as must disturb the present currency of the country. An hon. Gentleman had complimented him upon having introduced the measure which established that currency; but let them not now

adopt a measure which would bring back upon the country a return of those evils which a different system had brought upon them, and which he now hoped and trusted were nearly overcome."*

The right hon. Baronet had adverted also to the fluctuations in the price of corn, and he had said, that he believed that they were not greater under the present system than under that of free trade. That argument had been already answered, however, by Mr. Ricardo, and so far from believing that the present system was calculated to give a uniform price, he thought that, in fact, it was the very best devised system which could have been invented for promoting fluctuation. He believed, that in order to make the attempt to repeal the Corn-laws effective, the middle classes ought to be prepared to concede something in the way of the franchise to the labouring classes. They ought to act on the principle of "give and take." Whatever might be the fate of the question on the present occasion, he felt assured that his hon. Friend would next Session carry it by a triumphant majority.

Mr. *Handley* said, with regard to the manner in which this debate had been disposed of on the last occasion, he believed that every one in the House knew that the hon. Member for Bridport had completely outwitted himself—although with great tact he had afterwards claimed credit for it as a triumph.—He was willing to rest his support of the Corn-laws upon the speech of the right hon. Baronet, the Member for Tamworth, which was unanswered and unanswerable—and had only been approached by the hon. Member for Wolverhampton with misrepresentation.—The hon. Member for Wolverhampton's speech on this occasion had been marked by a tone far less commendable than on former occasions. It was unjust in the hon. Member to speak of the supporters of the Corn-laws, as though they were indifferent to the sufferings of the people. But it could not be doubted that the rate of wages depended not upon the price of food, but upon the demand for labour, and hence the labouring population were better off when food was high than when it was low. In Lincolnshire the wages were from 10*s.* to 13*s.* 6*d.* a week, when the labourer had to spend 3*s.* in bread, and his 7*s.* for other articles. When wages were 13*s.* 6*d.* a week the labourer had to spend 5*s.* in bread, and had 8*s.* 6*d.* for other articles, so that he was half-a-crown a week better off with high prices than low prices. He could not deny that great distress existed in the manufacturing districts, but this was the first time their opponents had pressed into their service the arguments of the home market. They had oftentimes had it pressed upon them, but had now only discovered it on a sudden. It had been referred to, to show that increased exports were a proof of diminished home consumption, but in his opinion, the argument had altogether failed. In the Report of the Chamber of Commerce of Manchester, he found that the distress and misery which was stated to exist was not attributed to the corn-laws, but to the mismanagement of the Bank of England. It had been said the Irish Registration Bill of the noble Lord, although it bore that title on its back, was, nevertheless, a bill for the disfranchisement of Ireland, and so he believed this motion, which professed to be an inquiry into the operation of the Corn-laws, was nothing less than a motion for their total repeal, and he therefore trusted the House would vote against it.

Mr. *M. Phillips* requested the indulgence of the House to one not in the habit of frequently troubling it. On a former occasion he had been accused of prophesying, but he thought the statements which had been made that evening were more prophetic than anything he had ever uttered.—He had been present at a meeting of upwards of 5,000 operatives at Manchester—a meeting which few hon. Members had perhaps had it in their power to attend, and which he would not attempt to describe, since his hon. Friend, the Member for Wolverhampton, with all his power of language, had been able to convey but a faint idea of it. The feeling which pervaded that meeting was not confined to the operatives, but he believed was now spreading among the agricultural districts. It had so happened that two hon. Members for Lincoln had spoken in the course of the debate, and though they said, the subject was drawn to the dregs, they had nevertheless delivered speeches of some length. It was his misfortune during the debate of last year to have immediately preceded his hon. Friend who had just sat down, and on that occasion his hon. Friend had made a statement to which he must allude; he had said that the conduct of some of the mill-owners in Manchester was inexcusable; that they had shut up their mills and began to work short time, merely for the purpose of inducing a state of distress among the operatives to get up a feeling against the Corn-laws. Now, of the statement he utterly denied the correctness.—When capital was absorbed and profits gone, the mill-owners were obliged to work short time. He did not mean to say, the mill-owners possessed greater sympathy for the distress of the working people than any other class of her Majesty's subjects, but he claimed, at least, an equal degree of it for them. When it was impossible to manufacture at a profit, the manufacturer had to calculate whether it were better that his machinery should stand still, and be consequently greatly depreciated in value, or whether he should go on manufacturing at a loss. There was within three miles of his own residence a mill belonging to a relation of the right hon. Baronet, the Member for Tamworth, a Gentleman whose kindness of disposition to all those who were employed by him was well known—that gentleman had been compelled towards the conclusion of last year to have recourse to working short time in the manner which had been so severely animadverted upon by his hon. Friend. Manufacturers found it better even at a loss, to work their mills, for two or three hours a day, to keep them in order. Hon. Members might rest assured that however great they might suppose the profits of the manufacturers, when their capital was absorbed it was impossible they could do otherwise than dismiss those employed by them; but they did so with great reluctance, and he knew that among his own constituents there had been many an aching heart, occasioned by this cause, since this subject had last occupied the attention of the House. Reference had been made to the Chamber of Commerce in Manchester; but during the present Session he had presented a petition from that body on the subject of the currency, in which they state it as their opinion, that the recent derangements in the currency, were attributable to the Corn-laws. He agreed with his hon. Friend the Member for Bridport, that the present system did not secure to us a proper supply in proportion to the demand. In support of this opinion he would allude to a case, which he hoped was at that moment engaging the attention of her Majesty's Government. In Naples, in 1839, in consequence of the demand for corn in this country, large profits were realised upon the importation of it. In consequence English merchants bought large quantities in the Neapolitan markets, but as the supply in that country was only limited, it raised the price there very considerably, and the consequence was the king of Naples prohibited the exportation of any corn from his dominions; thus inflicting a double loss on the merchants, first, of the profits which they anticipated realizing on its importation into this country; and next, as this quantity was suddenly thrown upon the Neapolitan market, a great fall immediately took place, and an actual loss to the speculators was the consequence. This showed, he thought, that our Corn-laws creating a sudden and artificial demand, rendered us a nuisance in our dealings with other countries. He hoped some means might be devised to regulate the importation, so as to produce greater regularity of supply and greater steadiness of price. These laws had not even antiquity to recommend them; they were introduced in 1815, and in 1828 they were obliged to be again patched up. Attempts had been made to induce the people to believe that the Poor-law Bill had been introduced for the purpose of grinding the poor, and making them live on a coase sort of food. He denied that imputation, and always embraced every occasion of doing so; he had given his assistance to the passing that law, and he solemnly declared that such an idea had never entered his mind. But when hon. Members saw that the operation of the Corn-laws was to compel the working classes to live upon a poorer description of food, he thought that by supporting those laws they took upon themselves the responsibility which it had been insidiously attempted to throw upon the supporters of the Poor-laws. He dreaded that general want of employment, which, he feared, must be the consequence of the present system. Manufacturers who had lost their capital would have no resource left but to throw their workmen out of employment. This would press still more severely on those who continued their mills in operation and would incapacitate them still more to compete with foreigners in the markets abroad, and eventually the maintenance of the persons thus thrown out of employment must necessarily become a national charge. He would not detain the House any longer. There were other points to which he should have wished to have alluded, but he should decline doing so after the former discussions which had taken place on the subject, and he would sit down by expressing his readiness to support the motion of the hon. Member for Wolverhampton.

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* Hansard, Vol. xvi. (New Series) pp. 1066, 1067.

Lord *John Russell* assured the House that he was extremely unwilling to address them upon a subject which had been already so fully discussed, not only in the present but in former Sessions. Still, as the Government had been attacked in the course of the present debate, he felt it necessary to address a few words to the House upon the subject. An hon. Member had complained, that the Government had not brought forward a proposition upon the subject. Now, he thought that the conduct of the Government had been regulated by a due regard to the national interests. It was his opinion, that if upon a question of this kind there was a general disposition to have an alteration of the law, and a general wish to have the question settled by some new measure of legislation, but that there was a diversity of opinion as to the measure that ought to be adopted, the Government might safely step in and frame such a measure as might be most conducive to the national interests, and propose it for the adoption of Parliament, thereby securing a greater support for it than the measure of any individual Member could obtain. Such, however, was not the position of the question of the Corn-laws. There were Members on both sides of the House constituting a considerable majority, who thought that there ought not to be any alteration of the present laws. That being the case, the introduction of a measure by the Government would have been only adding to all the arguments and prejudices which influenced the votes and opinions of Members on the subject, and giving rise to party strife and contention, thereby not promoting but retarding the settlement of the question. The Government had not in the present or former debates interposed that obstacle. Judging, however, from the course of these debates, he was disposed to think, as far as he had gathered from the opinions of hon. Members opposite, that although, generally speaking, they were not prepared to enter upon a consideration of this question, yet they had not placed themselves in a situation to declare that the present laws were by no means to be altered. In the consideration of the question of the Corn-laws, and most of those questions affecting grain, he thought that time and circumstances were very often most important elements. Regarding the question before the House, he should vote for his hon. Friend's proposition, conceiving that the House ought to go into Committee upon the subject, inasmuch as the present laws required alteration; at the same time he must say that the extent of the evils had been exaggerated, and that the remedy proposed by his hon. Friend was not that which he should be prepared to adopt. The evils attributed to the present Corn-laws would not, and could not, he thought be denied. The evils connected with a deficient harvest and the foreign trade in corn nobody could deny. Owing to the fluctuations of the seasons a large importation of corn might be required, and owing to miscalculations as to the amount of the harvest and other various circumstances, this important trade might be suddenly disturbed by a change in price. Those fluctuations would no doubt continue to take place under an altered system; but the effect of the present system was, that it aggravated the evils by throwing difficulties in the way of the importing merchants. Not only had they to contend with a change in price, but in the rapidly increasing amount of duty. In addition to an increase of 5*s.* or 6*s.* in price, they had to contend with an increase of 10*s.*, 12*s.*, or 14*s.*, in the amount of duty, and thus found, upon introducing the article into the market, that they were unable to realize any profit upon it. He therefore, said, that the corn trade, which was at all times a trade of considerable uncertainty, was rendered still more uncertain by the present laws. Then, as regarded the derangement of the currency. There was no doubt they must often pay for the deficiency of the harvest, by sending bullion abroad which occasioned a derangement of the currency. The noble Lord the Member for Liverpool was, he thought, altogether mistaken when he stated that the Corn-laws did not add to that evil. There would be a great difference if this trade were placed upon a more regular and certain footing. We should then have foreign countries prepared to receive our commodities; they would get into the habit of taking our manufactures, and the trade being once established, a certain increase in that trade, would not produce the same derangement in the currency as if that increase was made by fits and starts, which those countries would not be prepared for, they being by our previous legislation excluded from using our manufactures. He, therefore, considered that the Corn-laws likewise added to the difficulty as regarded the currency. Looking at the various classes affected by the Corn-laws, he could not see one that it could be said was benefitted, while most classes were great losers by them. They occasioned great loss to the capitalist, the manufacturer, the merchant who dealt in corn, and the labourer, whether agricultural or manufacturing. It was said that wages would be diminished by an alteration in the present laws, and his hon. Friend (Mr. Handley) seemed to think that that was at once a reason why the labouring classes should take no interest in the repeal or improvement of the laws. He doubted whether nominal wages would be diminished; but even if they were for a time, it might be no diminution of the real wages paid to the labourer; and if there was an increase in the demand for labour and the general demand for manufactures and produce of this country, the real wages of the labourer would also increase. He conceived that the farmer was likewise a loser by the present Corn-laws. By making his trade partake of the character of a monopoly, without being at the same time able to regulate it, he found himself in the course of several years' abundant harvests unable to dispose of his produce with profit, and unable to export to a foreign country. The consequence of that was, that year after year the farmers had approached that House complaining of great distress, and asking them to appoint committees to inquire into the cause of that distress, which they then attributed to those laws which they now said they required for their welfare. The only class who appeared not to be losers by those laws were those in receipt of rents, who conceived they were interested in the present scale of duties. But that which conduced to the general prosperity of the country, to the general increase of our trade, to the increase of our manufactures, and the internal wealth of the country, must contribute most essentially to the prosperity and wealth of the landlord. Now, as to the remedy proposed. The hon. Gentleman the Member for Wolverhampton wished, he believed, for a total repeal of the Corn-laws. It had been urged against the hon. Gentleman on a former occasion, and with perfect truth, by the right hon. Gentleman the Member for Tamworth, that if this alteration was made as to corn, they ought also to consider all other protecting duties on all other articles, with a view to their total repeal. He was fully of that opinion, for if they repealed the duty on corn, and if they afterwards proceeded to repeal the protecting duties upon the different articles of manufacture, many persons might say that they had never asked for the repeal of the Corn-laws, and that their interests would be seriously injured by the repeal of the duties on manufactured articles. He was therefore decidedly opposed to the repeal of these protecting duties, whether on corn or manufactures. The system of protecting duties was one which had been approved of by Mr. Huskisson, who had always declared that he had never intended to propose a perfectly free trade. That system he believed to be a perfectly wise one, and he was sure that when a system had been long tried, and found effectual, any sudden change which threw aside all protecting duties would be attended with the greatest distress. Not being able, therefore, to agree to a total repeal of the duty on corn, he wished to be clearly understood as desirous to substitute a moderate fixed duty for the present fluctuating duty. With a moderate fixed duty he believed they would have a steady trade in corn, and that they would put an end to many of the evils in the existing system. He remembered many years ago, when this subject was under discussion, hearing two gentlemen discussing in the lobby what the duty ought to be on corn, and the one asked the other what his views were as to the introduction of foreign corn. The reply was, that he wished to keep foreign corn out altogether, and if such were the object to be attained, a high fixed duty ought to be at once adopted. But his object was not to keep out foreign corn by a high duty, but to fix on such a moderate duty as would not exclude this country from the advantage of a more abundant market, or prevent it from participating in the benefit of favourable seasons abroad. By that means he should hope to obtain a more regular supply, and to make the price of food more fair and steady than it was at present. It was, perhaps, possible that those objects might be effected by an alteration in the present scale of duties. He thought it was possible to make such alterations in the present scale of duties as would render the changes less rapid, and he was of opinion, also, that it would be well if the duty varied much less. But, however that might be, the present inclination of his opinion was, that the wiser course to follow would be to resort to a moderate fixed duty, and thus to place corn on the same footing as Mr. Huskisson had placed other articles. He did not think that there was that great difference between corn and other articles which some persons contended for. When there was a great scarcity in the country, no doubt corn stood on a different footing from other articles, but in years of average production, he thought corn ought to be subjected to the same laws as other articles, and that a fair and moderate duty ought to be imposed on its importation. In the observations he had made he had not laid much stress upon the arguments of those who attempted to show that the manufacturers were in a falling position, and that the manufacturing greatness of the nation was about to depart from it. He did not think that those assertions had been proved, or that a case had been made out to warrant them in coming to such conclusions. He must, however, say, that although he thought our manufactures were not going to decay, that was no argument against making any alteration in the Corn-laws. If the Corn-laws were, as he contended, injurious to the manufacturer, if they exposed our manufacturing industry to great disadvantages, it was no argument in favour of those laws to assert, that the skill of our artisans was superior to that of the artisans of other nations. On the contrary, he thought they were bound to place our own people in the best position possible in order to enable them to compete successfully with other nations. The present Corn-laws, he believed, aggravated all the evils to which the manufacturers were exposed, and he should therefore vote for going into Committee, with the view of submitting himself, or of allowing his right hon. Friend the President of the Board of Trade an opportunity of submitting a motion for carrying out the views which he had stated n regard to the substitution of a fixed duty for the present fluctuating scale.

Mr. *Pryme* did not rise to repeat his former speech. He only wished to say, in explanation of what he had stated on a former occasion, that he had not founded his arguments for the proposal he had made on the ground of the heavy taxes which were imposed on land. He had not said anything in regard to these taxes, and he had only alluded to the taxes on the production of corn. He had said nothing of the land-tax because the land-tax was not included in those which pressed on the production of corn, and which increased with increased production and decreased with diminished growth. He should not trouble the House with any further observations, and should content himself with moving, by way of amendment on the motion of the hon. Member for Wolverhampton,

> "That the House resolve itself into a Committee of the whole House to take into consideration the act of the 9th of George 4th, regulating the importation of foreign corn, with a view to the reduction of the average prices specified in the table to that act annexed, according to which the respective duties are imposed."

Amendment not seconded.

Mr. *Muntz* said, that this was a question involving the interests of millions of the poorer classes, and which therefore deserved the most serious attention. He had listened to the arguments which had been advanced on both sides of the House, both on that and on a previous occasion when this subject was under consideration, and after much reflection he had come to the conclusion that the repeal of the Corn-laws would not effect the good which some seemed willing to suppose. The high price of corn in this country was not altogether a loss to the nation. It was a rule with him never to take a theoretical view of any question if he could take a practical one, and he had found on examination that the price of corn and the rate of wages had for a long time been in unison, rising and falling together. If the Corn-laws were repealed, the rate of wages, the rent of land, and the price of corn would, in his opinion, be all reduced to the continental level. If those laws were repealed, much loss would ensue to the nation, and he could not understand who would bear that loss, since the manufacturers were not able to endure their present burdens. A great part of our trade arose from the home demand, and little increase was to be expected in the demand for the foreign market. If the home trade was destroyed, the increase in the foreign demand would not make up for the loss; and if the Corn-laws were repealed, a vast quantity of land would, at the same time, be thrown out of cultivation. He did not think it fair to protect the manufacturers, and to refuse protection to the agriculturists. He could not see why any class of the community should enjoy protection at the expense of the rest, nor could he understand why the landowner should not have protection as well as the fundholder. He had no objection to a free trade in everything, but he would not give protection to one class, and refuse it to another. He was well aware the trade was never worse than it was at present, or the distress amongst the labourers greater; but that lamentable state of things would not be altered by the remedy which was proposed. For himself he did not hesitate to say, that all the evils in the condition of the country arose from misgovernment. He did not blame one party more than the other, nor did he mean to say that the Legislature was bad-intentioned, but it was very ignorant. All he had said was intended to qualify the vote he meant to give on the present occasion, and he should most decidedly vote for going into committee, on the principle that the landed interests had power in their own hands to do justice to themselves.

Mr. *Villiers* in reply, observed, that it was an agreeable surprise to him to hear the final declaration of the hon. Member who had just sat down, for he had otherwise been about to congratulate hon. Members opposite on the accession to their strength in the person of the hon. Member for Birmingham. Giving, as he had done, all the attention in his power to that hon. Member, he had been utterly unable to know the hon. Member's meaning. He had, however, expected from that quarter some confusion being introduced into the present discussion, remembering, as he did, the course pursued by the hon. Member's predecessors in that House, and he certainly did not think the hon. Member who had just spoken was an unworthy successor. The hon. Member not only attacked the Corn-laws, but he had other remedies, not very palatable to the opposite side of the House, in store for the people. If he at all collected the hon. Member's views, they were not for an alteration in the Corn-laws, but in favour of an alteration in the currency, and therefore hon. Members opposite must take their new Friend with all his opinions. He certainly would not prevent that division for which hon. Members were now so anxious, because he had really nothing to reply to; he had this observation, however, to make, that the House refused to allow the question to be discussed. It could not be said to be discussed when such disturbances were created as prevented hon. Members from being heard. Three hon. Members had been obliged to abandon the attempts they had made to express their opinions. Owing to the noise which had been kept up no less than six other Members on his side of the House had given up the idea of expressing their sentiments. Hence he was justified in saying that though no answer had been given to his statement, though no argument had been advanced against his motion, the House had refused to discuss it. It was attempted to get rid of the division on a former occasion by determining there should be no discussion upon this, and the conduct of the House in the matter corresponded with the proceedings out of the House in the agricultural districts on this question. It had occurred lately, when persons had ventured into the agricultural districts to express an opinion on this question, that they had been assailed with violence by the landlords. The same course had to-night been pursued in the House, for by noise the full expression of opinion had been prevented. He knew the argument against a further protracted discussion was, that the question had already been discussed three days. He begged to say, that if it was discussed three days more, the time occupied would not be more than the question deserved. How had the time of the House been before occupied? The House had now been sitting five months, and what work had it done?

Had any measure been passed of interest to the community at large? No; nothing had prevailed but party contentions, and now that a subject had been proposed of deep interest to the people in general, the extraordinary impatience manifested by the House had prevented hon. Members from evpressing their opinions. He had been said by the hon. Member for Lincolnshire to have delivered a dull treatise, still he was ready to discuss the question coolly and calmly. The opposite side had no argument to advance. It was true, they formed a large majority against the people, but they were woefully mistaken if they supposed the people were not watching their proceedings. Hon. Members opposite refused the people the vote by ballot, because they said the present electors were trustees for the rest of the community. He hoped the community would consider what sort of trustees they had. He perfectly admitted all further discussion on the question was for the present at an end, but the people would now have to consider the powers they possessed, and in what manner they would exercise these powers. The House had refused to discuss the question affecting their interests, and it would be for them to consider how their trustees had acted. There had been no topic urged against the present motion, save one—namely, that it was for a total repeal of the Corn-laws. Now, he had said nothing about a total repeal; he only applied for a preliminary form, which was to test the opinion of the House as to the present law. He only sought a Committee of the whole house to inquire into those laws; he had not proposed a thing rash or inconsiderate toward the agricultural interest; his motion was not inconsistent with the views other hon. Members might raise on the subject; all he asked the House was, that it should admit the present law did not work well, that the people had reason to complain, and that the House would not refuse a million and a half of people a redress of the grievances of which they complained.

The House divided:—Ayes 177; Noes 300; Majority 123.

List of the AYES.

Abercomby, G.
Aglionby, H A.
Ainsworth, P.
Anson, Colonel
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. J.
Bellew, R. M.
Berkeley, H.
Berkeley, C.
Bewes, T.
Blackett, C.
Blake, W. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Busfeild, W.
Byng, G. S.
Campbell, Sir J.
Chalmers, P.
Chichester, J. P.
Childers, J. W.
Clay, W.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Cowper, W. F.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Denistoun, W. J.
D'Eyncourt, C. T
Duke, Sir J.
Duncan, Visct.
Duncombe, A.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J.
Dundas, Sir R.
Dundas, D.
Easthope, J.
Elliot, hon. E.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Euston, Earl of
Ewart, W.
Fielden, W.
Ferguson, R.
Finch, F.
Fitzroy, Lord C.
Fleetwood, Sir P.
Fort, J.
Gillon, W. D.
Gisborne, T.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord, A. M. C.
Hindley, C.
Hobhouse, T. G.
Hollond, R.
Howard, hon. E.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
James, W.
Jervis, J.
Jervis, S.
Johnson, Gen.
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Lascelles, hon. W.
Leader, J. T.
Lister, E. C.
Loch, J.
Macaulay, T. B.
Mactaggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Milton, Lord
Molesworth, Sir W.
Morpeth, Lord
Morrison, J.
Muntz, G. F.
Nagle, Sir R.
Norreys, Sir D.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R.
Ord, W.
Oswald, J.
PalmerstonVisct.
Parker, J.
Parnell, Sir H.
Pattison,J.
Pechell, Captain
Philips, M.
Philips, G.
Phillpotts, J.
Ponsonby, hon. J.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Rawdon, J. D.
Rice, E. R.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.

Seymour, Lord
Sharpe, General
Slaney, R. A.
Smith, B.
Somerville, Sir W. M.
Standish, C.
Stanley, hon. J. E.
Stansfield, W. R.
Staunton, Sir G.
Steuart, R.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Walker, R.
Ward, H. G.
Wemyss, Captain
White, A.
Wilde, Sir T.
Williams, W.
Wilshire, W.
Wood, C.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.

Villiers, hon. C. P.
Warburton, H.

List of the NOES.

Acheson, Lord
Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord
Aglionby, Major
Alford, Viscount
Alston, R.
Arbuthnott, hon. H.
Archbold, R.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J. jun.
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bassett, J.
Bateson, Sir R.
Bell, M.
Benett, J.
Berkeley, hon. G.
Blackburn, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Botfield, B.
Bowes, J.
Brabazon, Lord
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish, G. H.
Cayley, E. S.
Chester, H.
Chetwynd, Major
Cholmondeley, H.
Christopher, R.
Chute, W. L. W.
Clive, hon. R. H,
Codrington, C. W.
Cole, hon. A. H.
Compton, H. C.
Conolly, Col. E.
Corbally, M. E.
Corry, hon. H.
Courtenay, P.
Crewe, Sir G.
Cripps, J.
Crompton, Sir S.
Darby, G.
Darlington, Earl of
Denison, W. J.
De Horsey, S. H.
Dick, Q.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. W.
Du Pré, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Evans, G.
Farnham, E. B.
Fector, J. M.
Fellowes, E. T.
Ferguson, Sir R.
Filmer, Sir E.
Fitzpatrick, J.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Fox, S. L.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. Milnes
Glynne, Sir S. R.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Grattan, J.
Greene, T.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, Sir H.
Harland, W. C.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Holmes, W. A.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingestre, Lord
Irton, S.
Irving, J.
Jackson, Sergeant
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, Captain
Kerrison, Sir E.
Kelburne, Lord
Kirk, B.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, Col.
Lowther Lord
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Macnamara, W.
Maher, J.
Mahon, Viscount
Manners, Lord C.
Marsland, T.
Martin, T. B.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Monypenny, T. G.
Mordaunt, Sir J.
Moreton, hon. A. H.
Neeld, J.
Neeld, J,
Noel, hon. C. G.
Norreys, Lord
O'Brien, C.
O'Connor, Don
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, T. A. W.
Patten, J. W.
Pease, J.
Peel, Sir R. rt ho

Pemberton, T.
Pendarves, E. W.
Perceval, Col.
Perceval, G. J.
Philipps, Sir R.
Planta, rt. hon. J.
Plumptre, J. P.
Powell, Col.
Power, J.
Power, J.
Powerscourt, Lord
Praed, W. T.
Price, Sir R.
Price, R.
Pryse, P.
Pusey, P.
Rae, rt hon. Sir W.
Redington, T. N.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Russell, Lord C.
St. Paul, H.
Sanderson, R.
Sandon, Lord
Sanford, E. A.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Col.
Sinclair, Sir G.
Smith, A.
Smith, G. R.
Smyth, Sir G. H.
Somerset, rt. hn. Lord G.

Stanley, E.
Stanley, hon. W. O.
Stewart, J.
Sturt, H. C.
Talbot, C. R. M.
Teignmouth, Lord
Thesiger, F.
Thomas, Col. H.
Thornhill, G.
Tollemache, hon. F. J.
Townley, R. G.
Trench, Sir F.
Trevor, hon. G. R.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Vivian, Major C.
Vivian, J. E.
Waddington, H.
Wall, C. B.
Walsh, Sir J.
White, H.
Williams, R.
Williams, W. A.
Wilmot, Sir J. E.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wyndham, W.
Wynn, C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Handley, H.
Heathcote, G. J.

Paired off.

AYES.	NOES.
Hutton, R.	Kemble, H.
Ferguson, Sir R.	Lennox, Lord G.
Crawley, S.	Dottin, A. R.
Rich, N.	Pigot, R.
Seale, Sir J. H.	D'Israeli, B.
Lynch, A. H.	Pollen, Sir I.
Parker, J. J.	Scarlett, hon. Major
Hawkins, J. H.	Tennent, J. E.
Adam, Adm. Sir C.	Clayton, Sir W. R.
Murray, A.	Duff, J.
Browne, J. D.	Baillie, Col.
Callaghan, D.	Harcourt, G. S.
Colquhoun, J. C.	Houstoun, G.
Stock, Dr.	O'Neill, hon. Gen.
Lushington, C.	Polhill, Capt.
Heron, Sir R.	Hope, H. T.
Melgund, Lord	Northland, Lord
Rutherfurd, rt. hn. A.	Pollock, Sir J.
Lushington, Sir S.	Cresswell, W C.
Baker, hon. P.	Nichol, Dr.
Barron, H. W.	Dalrymple, Sir A.
Bryan, Major	Cartwright, W. R.
Baker, E.	Inglis, Sir R. H.
Bernal, R.	Williams, T. P.
Rumbold, C.	Heathcote, Sir G.
Turner, E.	Welby, G. E.
Hobhouse, rt. hn. C. J.	James, Sir W.
Talfourd, Sergeant	Gladstone, W. E.
Wrightson, W. B.	Kelly, F.
Chapman, Sir M. L.	Lucas, E.
Blewitt, R. J.	Clerk, Sir G.
Wallace, R.	Pringle, A.
Spiers, A.	Ker, D.
Davis, Col.	Davenport, J.
Fenton, J.	Whitmore, J. C.
White, L.	Coote, Sir C.
Paget Lord A.	Bentinck, Lord G.
Wood, Alderman	Forester, hon. G.C.

REGISTRATION OF ELECTORS (IRELAND.] Mr. *Pigot* rose, pursuant to notice, to ask for leave to bring in a bill for the better regulation of voters in Ireland. In doing so he would shortly call the attention of the House to those circumstances connected with the Irish system of registration, which appeared to him to have led to what had been a subject of complaint both in the present and former Sessions of Parliament. The House was aware, that there had for a long time existed in Ireland a system of registration of the elective franchise. He believed, that the first appearance of that mode of proceeding was to be found so far back as the year 1727. Since that time various provisions had been made, both by the Irish and Imperial Parliaments, for regulating the registration of the franchise, and for providing a means by which the right of the voter might be tested on going to the poll. In 1829, when the qualification was raised from 40*s.* to 10*l.*, the course adopted was to make the freeholder attend at the quarter sessions and make an affidavit, stating how he was entitled to the freehold claimed, and, on swearing that affidavit, he was registered in the same manner as in this country. From a very early period also the system of granting certificates had been adopted. The certificate was not in itself an original document, it merely referred to the affidavit of which it was, in truth, a recital. It would appear, that the certificate had been originally devised as a protection to the voter against any unfair dealing on the part of the clerk of the peace, and partly as a means of testing (the voter's) identity. By the act of 1st Victoria, the voter was bound to give strong proof of his title to the franchise, and there was also this remarkable security, that not only was the party obliged to give the fullest proof, but there was an obligation imposed on the judge to inquire strictly into the claim—in short, to become a cross examining advocate against it. That was the course which was adopted in 1829, and it was a mistake to suppose, that the certificate was merely a document given under the signature of a public officer, on the production of which the freeholder would be entitled to vote, without any other means being used for identification. The certificate was neither more nor less than a copy of the affidavit, the same clerk who signed the affidavit signing the certificate. At the polling-place the voter produced his certificate, and when he produced it without erasure, and authenticated by the signature of the proper officer, he became entitled to vote. If lost, the claim was ascertained by reference to the original affidavit. Now, unquestionably, the use of these documents had given rise to personation. And the mere fact, that such occurrences had happened was quite sufficient reason to induce the Legislature to examine into the system. Now, the object of his bill was to do away entirely with the use of certificates. In 1795 an act was passed, and that act was confirmed by subsequent acts of the Imperial Parliament, making the certificate a protection to the voter against any fraud on the part of the clerk of the peace, to that extent he proposed to retain the certificate, but to abolish it for all other purposes. Another inconvenient portion of the Irish system of registration was that which gave the voter on registration an eight years' title, without providing any means for revisal in case of loss of franchise or death. The consequence of this had been a multiplication of names upon the register considerably beyond the elective strength of the constituency, and the fraudulent use of the certificates of persons dead, or of those who had parted with their estates. Independent, however, of these abuses, there was great inconvenience in having the apparent so much greater than the real strength. He proposed in the present bill to adopt a course which would tend to the removal of those defects, but would deprive no person of his franchise. There were several modes by which those evils might be remedied. In the first place they might disfranchise every elector—they might cut down the number—in fact they might abolish the right of every man to vote. They might disregard every vested right, and declare that every man who, having been registered for eight years, had a vested right in his franchise—who had voted at election after election, and at three general elections—who had passed the ordeal of a scrutiny of the House of Commons, should be deprived of his franchise. They might, in fact, sweep away the entire constituency. This, however, was not his plan. He intended to reform the franchise, not to destroy it—to apply the cautery to the evil, and not to cut out the sound part. He would propose that one revising session should take place at a specified period during the present year, and that means should be taken to ascertain the deaths. That power and means should be given to the barrister to prevent the multiplication of names and the recurrence of other evils. This was the simple machinery he proposed for the remedy of the evils now complained of, and he did not intend to propose that any new tribunal should be constituted to bring it into operation. The assistant barristers had been selected in 1829 to perform the duties of registration; they were retained in 1832, and he now proposed to return them by his bill of 1840. He believed that valued authorities on both sides of the House had borne testimony both to the integrity and capacity of those functionaries. The next question to be considered was the revision of the present registry. He did not intend to take away from the people of Ireland the right which they at present enjoyed of registering from time to time in the court of the assistant barrister. Without going into detail, it would be sufficient for him to say, that he thought that where a system had been established, accommodated to the habits of the people, and that when a long period had elapsed, during which the habits had grown, it should be strong ground indeed that would induce the House to alter that system. He did not concur at the time it was necessary for the purposes of registration. The bill of the noble Lord, the Secretary for the Colonies, and which was now on the table, was framed for a county which had no such tribunal as the assistant barristers of Ireland; but still, he (Mr. Pigot) proposed in all the main principles to follow it in his bill. The mode of revision proposed to adopt, and also the limitation which the bill recognised not giving right of investigation as to matters of fact, which had been ascertained on obtaining the right to vote, but permitting it with reference to subsequent events. He proposed that revision should take place in the courts of the revising barrister, who would exercise the same functions as the revising barrister in England. [Sir *J. Graham*—Is there to be no appeal?] There was to be no appeal as to matters of fact, but it was his intention to adopt the appeal in matters of law, precisely the same as that in the English law. [Mr. *Shaw*—Is the appeal to be the Judges?) No. The appeal against objection he proposed should continue as it had been fixed in 1829, but it was not his intention that the security given at that time in favour of the franchise should be abolished by his bill. Then, with respect to the mode of registration, the principle in the two countries would, in a certain degree, be assimilated. The noble Lord proposed that a party should claim, and, not being objected to, should establish his qualification, and should retain it until subsequent circumstances disqualified him.

Leave given.

HOUSE OF COMMONS,

Wednesday, May 27, 1840.

MINUTES.] Petitions presented. By Mr. Marsland, from Stockport, praying for the Abolition of Church Rates.—By Mr. Sergeant Talfourd, from the Radical Club of Reading, complaining of the harsh treatment inflicted upon Mr. Henry Vincent.—By Mr. O'Connell, from various places, against Lord Stanley's Registration Bill.—By Colonel Salwey, from Monmouth, for a reduction of the Duty upon Sugar; and from Egham, against Church Extension.—By Mr. Brotherton, from various places, against the Corn-laws.—By Mr. Sergeant Jackson, from Wicklow, against the system of National Education in Ireland.—By Sir R. Peel, from Troubridge, against the Rating of Stock in Trade; and from the Presbytery of Angus, against the Jurisdiction of the Civil Courts in Ecclesiastical matters.—By Mr. B. Smith, from Norwich, against the Constabulary Bill.—By Mr. Finch, from a Dissenting Congregation in Walsal, against Church-rates; and from various other places, against the Copyright Bill.—By Sir J. Duke, Mr. Hume, Mr. Wakley, Colonel G. Langton, and others, from Boston, Brentford, Blackburne, Bath, and other places, against Church Extension.

IMPRISONMENT OF MR. F. O'CONNOR.] Mr. *T. S. Duncombe* presented a petition from a large meeting held in Bridworth, in Yorkshire, in which the petitioners stated that Mr. F. O'Connor had been sentenced to eighteen months' imprisonment in York Gaol, on a charge of publishing a seditious libel. The petitioners stated, that Mr. O'Connor was subjected there to the same treatment as burglars, felons, and reputed murderers. They stated that he is obliged to lie on an iron bed, without any sheets to cover him, or a pillow to repose on. That he is obliged to undergo many menial offices, such as cleansing his own utensils—that he is not allowed to receive any visitors, and that while suffering severely from rheumatism, he had not even the luxury of a wooden seat, but was obliged to sit on a cold stone. The petitioners believed that this harsh treatment would tend to destroy his life, and they also stated, as their belief, that this was almost the first instance of a person convicted of a political libel being so severely dealt with. They stated, that when Sir F. Burdett was imprisoned for a like offence, he was allowed to supply his own food and bed, and to receive the visits of his friends; and that Mr. Leigh Hunt, Mr. Cobbett, and Mr. Montgomery the poet, had had the same indulgencies while they were allowed to reside on the debtor side of the prisons. The petitioners prayed that the House might institute an inquiry into the subject—and that Mr. F. O'Connor might be removed from the felons' to the debtor's side of the prison. If any of her Majesty's Ministers were present, I should certainly ask them if this treatment were fair, or allowed by law.

Sir *E. Knatchbull* suggested that the hon. Member should take the earliest opportunity of putting the question he had referred to. The case was certainly a most harsh one.

Mr. *O'Connell* said, that it was a gross violation of the law to treat Mr. O'Connor in that way. Imprisonment did not imply torture, and really it would appear that this gentleman had been subjected to the greatest torture. He thought the hon. Member ought to take some further step.

Sir *E. Knatchbull* hoped as soon as the matter was stated to the Government that they would interfere and prevent the necessity of Parliamentary inquiry.

Mr. Sergeant *Talfourd* had seen the Marquess of Normanby on the subject that day, and he understood that some steps would be taken, but he believed that nothing short of removing Mr. O'Connor from the prison would effect the object.

Petition laid on the table.

TREATMENT OF MR. O'CONNOR.] Lord John Russell having subsequently moved the Order of the Day for a Committee on the Juvenile Offenders' Bill,

Mr. *T. Duncombe* said, as it regarded

prison discipline, he begged to put a question to the Under-Secretary of the Home Department as to the treatment of Mr. Feargus O'Connor, which had been fully detailed in the petition which he had presented this evening. This was the first case in which a person convicted of a seditious libel had been treated with all the ignominious punishment of felons. It was treatment which had never been experienced by such persons even in the worst days of Toryism—even in the days of Pitt and Castlereagh. Why had not Sir Francis Burdett been so treated, or Mr. Edmunds, or, to come to later times, why had not Sir John Hobhouse been so treated when he was convicted of a libel? The question he wished to ask was this—whether the treatment of Mr. Feargus O'Connor was under any orders from the Government, and if not, whether it would be discontinued?

Mr. *Fox Maule* said, he was glad the question had been asked, for an erroneous impression had gone abroad that Mr. O'Connor was so treated by direction of the Government. Now, he begged distinctly to state, that the Government had issued no orders whatever as to the manner in which the sentence should be carried into effect. If there had been any additional severity in the treatment of persons lately convicted of libels, it arose from the provisions of the act for regulating prison discipline. Orders had, however, been sent by the Secretary of State to the governor of York Castle, directing certain relaxations, but to that communication no answer had as yet been received.

Mr. *Warburton* believed that the treatment which political offenders at present underwent was owing to the state of the law upon the subject. A bill had been brought into that House several months ago for that purpose of changing that law. Which, however, had not yet passed the House of Lords; and he should say, that he did not feel that her Majesty's Ministers had shown that attention to the subject which it merited. It was his opinion, that under the existing state of that law, the Government could not interfere in the treatment to which political offenders might be subjected; but they had the power of removing them from one gaol to another, in which there might be a less severe discipline. He would ask, why her Majesty's Government should refuse to avail themselves of this power? At any rate, why did they not take means to pass the bill, which had already received the sanction of that House, in order that new regulations might be adopted for the purpose of mitigating the present severity of the law? While on his legs, he would allude to the treatment Lovett and Collins had been subjected to. When that subject was brought before the House, there was a uniform expression of opinion, including the Under-Secretary for the Home Department, that as those parties had under the existing regulations been subjected to more severe discipline than it was imagined political libellers could be subjected to under the existing law, the parties should be released from the remainder of the term (three months) they having been imprisoned nine months. The course her Majesty's Government took was, after the expiration of another month, to send down an order for the release of these two prisoners, if they would enter into recognizances for good behaviour for a period of twelve months after the expiration of the term of imprisonment to which they had been sentenced. He considered that was an illegal demand on the part of the Government, and the parties of course rejected it. He hoped her Majesty's Government would take means to expedite the passing of that bill, in order that her Majesty's Justices of the Peace and the Government together might be enabled to frame such regulations for the treatment of that class of offenders as would be more in accordance with former practice.

Mr. *Hume* said, they now understood from the Under-Secretary that the treatment Mr. O'Connor received was owing to prison discipline. He wished to ask whether two days before the removal of Mr. O'Connor certificates had not been sent to the Government from two eminent medical men, stating that if he were removed to York Castle and so treated his life would be endangered, and whether these certificates had not been utterly neglected? It seemed to him that the Government exhibited a cool indifference and an utter disregard of the feelings of the community, and he could assure them that they were estranging those who were anxious to be their friends. He hoped some explanation of the matter would be given.

Mr. *F. Maule* said, two questions had been put to him—the one by the hon.

Member for Kilkenny, and the other by the hon. Member for Bridport. He should first answer the question of the hon. Member for Kilkenny, with reference to Mr. O'Connor. It was perfectly true that the Government had received the medical certificates to which the hon. Gentleman had alluded, and that those certificates set forth that Mr. O'Connor was not then in a fit state of health to be removed. Those certificates had at once received attention, and Mr. O'Connor's removal was in consequence delayed. At a subsequent period Mr. O'Connor was placed in the custody of the marshal of the Queen's Bench prison, who was a responsible officer, and who had the power to decide whether that gentleman's health was in such a state as to admit of his removal to York. The result was, that the marshal sanctioned the removal of Mr. O'Connor from London to York, and had given the Government to understand that there was, in his opinion, no good ground on the score of ill health to render it necessary to delay his removal for a longer period. As to Messrs. Lovett and Collins, their case had been fully brought under the consideration of the House by the hon. Member for Bridport, when the Prisons' Bill was under discussion. On that occasion he had admitted, and he still adhered to his admission, that he thought the punishment which those persons had received was more severe than there had been reason to anticipate it would be when they were first confined. He had also borne his testimony to the exemplary manner in which those persons had endured their punishment, and he had given his sanction and support to the alterations which had been proposed in the Prisons' Bill, which gave the Secretary of State the power of allowing the visiting justices to frame such rules as they might deem necessary to meet the case of this class of offenders. It was said that that bill had been unnecessarily delayed, but such was not the case, for it had only left that House on Thursday last, and he could assure the hon. Member for Bridport, that there was every disposition on the part of his noble Friend the Secretary for the Home Department to forward that measure as fast as possible. His noble Friend shortly after Easter had recommended the remission of the remainder of the sentence which had been passed on Messrs. Lovett and Collins, and he had done so on the condition that they should enter into their own recognizances to the amount of 50*l*. He was not aware that there was anything illegal or unusual in that condition, nor did he think that it was an unwise precaution. There certainly were precedents for such a condition, and it had appeared to his noble Friend the Secretary for the Home Department, that it was a fair course to require those persons to enter into their own recognizances when they were to receive a remission of a portion of their punishment.

Mr. *Briscoe* was very much surprised to hear that the regulations of York Castle compelled persons imprisoned for political offences to associate with felons. He trusted that such regulations would be speedily put an end to, because such a mode of treatment, instead of acting as a punishment, would excite the indignation of the country.

Mr. *O'Connell* said, there was this view of the question which he wished to submit to the House. It was the duty of the judge to apportion the punishment to the crime, and he was the responsible person. Now they took away that power entirely from the judge, if by these prison regulations they left it in the hands of other parties to say whether the imprisonment should be mere restraint or actual torture; the judge was no longer the responsible party in such a case. He merely gave the duration of the punishment, and it was for the visiting justices to say whether the imprisonment was to be insufferable or not. He remembered hearing the Member for Southampton stating, that his experience of prison discipline was, that any man who came out of the prisons of England after two years' imprisonment had his health materially impaired and his life considerably shortened. At that time he really thought the hon. Member was mistaken, but he now believed that it was perfectly just. They had taken the punishment out of the hands of the judges and lodged it in that of the visiting justices. He did not know that it would be much better if left in the hands of the Government. It should be laid down and defined by the law so that the judges should in open court award the punishment due to any offence, and if the punishment were cruel it should be awarded before the bar and the country. There could be nothing so hideous as that treatment awarded to Mr. O'Connor. It was not in consequence of any approbation of the conduct which placed Mr. O'Connor in prison that he spoke, but comparing that gentleman's treatment with the manner in which Sir F. Burdett had been treated, he could not help raising his voice against the injustice. That was a subject which could not rest—the nature of punishments must be defined, so that in awarding them the judge should do so in the words of the law.

Mr. *Ward* said, that the hon. and learned Member had pointed out the real evil of the present system, which was the variable nature of the punishment, it being different, according to the different localities where it was enforced. There was a constantly shifting responsibility: even in the conveyance of Mr. F. O'Connor to York Castle, he was not conveyed under the authority of the Government or the Judge, but under that of the Marshal of the prison in which he happened to be. The Home Office did not consider itself responsible, nor could the visiting magistrates alter the rules by their own power. It was scarcely credible that a gentleman condemned for a political offence—a gentleman of acute feeling—one who had lately been a member of that House—should have been condemned to perform the most menial offices. That must have been far more wounding to Mr. O'Connor's feelings than anything which he could conceive. He hoped that the expression of opinion on this subject which had taken place—participated in, as he was sure it had been, by gentlemen opposite—would have its effect, and that the bill would speedily be passed for establishing a simple and plain remedy, which at least might prevent such cases for the future.

Sir *George Strickland* thought it was not fair to throw on her Majesty's Government the responsibility of a transaction which rested entirely with the Judges, and the visiting magistrates. The magistrates were, he was convinced, men of honour; many of them he personally knew to be men of humanity also, but in this instance they certainly had made a great mistake—arising, perhaps, from their excessive zeal to carry out their new regulations. It was right, however, that a public investigation should take place, and he hoped that when the magistrates heard what had passed on the subject, they would find an immediate remedy.

Mr. Sergeant *Jackson* said, it did certainly appear to him objectionable, that persons convicted of the same offence should be treated differently. It could not, however, be expected that the Judge should be able to sentence with any equality or uniformity, when the prison discipline varied in different counties. This showed the necessity of establishing some uniform system of prison discipline throughout the country. Mr. O'Connor had been made to perform offices which he ought not to have been called upon to perform, and which to a person in his situation of life would be extremely irksome and injurious. He thought the punishment of this individual had been far more severe than he ought to have received.

Mr. *Wakley* said, that in the medical certificates which had been first forwarded in regard to Mr. O'Connor, it was stated that he was suffering from inflamation of the lungs, and that he could not in consequence appear before the Court of Queen's Bench. Mr. O'Connor's health was so bad that he could not appear without danger before the court, and yet on the day after he had received his sentence, and after the exertions which he had made in his defence, he was removed under the authority of the marshal of the Queen's Bench Prison, and placed in York Castle in a cold cell, where there was only a stone to sit upon. Now suppose the inflamation under such treatment had returned, and that life had been destroyed, who would have been responsible for that loss of life. Would not the Government have been held guilty? If an inquest had been held upon the body, and if the jury had returned a verdict of manslaughter or of murder—and he had no doubt that the one or the other verdict would have been returned—against whom he would ask, would that verdict have been given? He hoped this case would be a warning to hon. Members on his (the Ministerial) side of the House, who had last year voted in a body in favour of all the restrictive clauses of the Prisons, Bill, while hon. Gentlemen opposite had voted in a body against them. For himself, he thought they ought to have a full report as to the state of the prisoners in York Castle, and they would then see who the persons were who were to blame for the severity which had been practised; they would then see whether the blame rested with the Government or not. He contended that a bill ought at once to be brought in to place the different prisons in the hands of the Government, for he must say, that the visiting justices were not the persons to whom they ought to be intrusted. The justices of the peace were not responsible to any one; but if a Minister of the Crown misconducted himself, he could be questioned as to his proceedings in that House. He trusted they would in a short time hear from the Government, that in the case of Mr. O'Connor such a relaxation in the mode of his treatment had taken place as justice and common humanity required.

Mr. *Aglionby* felt some degree of hesitation in bringing the subject forward until the rules and regulations of York Castle were laid before the House. He begged to suggest to the noble Lord, that when those rules were laid on the Table, there should also be a return setting forth whether any, and what relaxation had taken place in respect to Mr. O'Connor; for the House and the public had a right to know if that Gentleman was still kept in the department of the felons, and was subjected to the same degrading severities with that class of criminals. Mr. O'Connor's offence had been similar to that of Mr. Stephens. Why should their punishments differ, merely because they had gone to different prisons?

The *Attorney-General* said, no individual in the country would more deeply regret than himself that the statements as to Mr. O'Connor's treatment should be found correct. He had felt it his duty to prosecute Mr. O'Connor for libels which he considered highly dangerous to the peace of society. If these statements were correct, certainly Mr. O'Connor had been treated with a severity not contemplated by the Judge. But he believed it would be found that the law did not justify this treatment, because the law made that distinction between felonies and misdemeanours, which the complaint was, had been overlooked in this case.

Mr. Sergeant *Talfourd* wished to state, that on Mr. O'Connor's arrival at York Castle, he wrote a letter to him (Mr. Sergeant Talfourd), informing him that the gaoler had stated he would be treated as a felon, except that he might wear his own clothes. He returned an answer, that this statement was too vague for him to act upon, and that he must have some more specific allegations. Mr. O'Connor then sent a long account, in the shape of a petition; which, though rather informal, contained statements undoubtedly very powerful; and he thereupon had waited on the noble Marquess at the head of the Home Department on the subject, in the presence of the Attorney-general, who yielded not even to the hon. Member for Cockermouth, who also was present, in a strong feeling that such treatment ought not to be persevered in. That feeling was shared by the noble Marquess, who, not till then, had received full information of the case—and immediate steps had been taken to afford redress, which, however, should all the statements of Mr. O'Connor be found correct (and he believed they would be found mainly so, for they were written in a most fair and candid spirit), he much feared would not completely be afforded to Mr. O'Connor, unless it was by doing that which certainly the Government had the power of doing, removing Mr. O'Connor either to the debtor side of York Gaol, or to some other prison, as in Mr. Vincent's case, who had been removed from Monmouth Gaol to the Penitentiary. He would just add, that the statements of Mr. O'Connor cast no blame on the prison authorities, who, he admitted, had only acted under the regulations which were established, and also spoke highly of the surgeon of the gaol.

Order of the day read,

JUVENILE OFFENDERS.] Sir *Eardley Wilmot* moved, that the House should then resolve itself into a Committee on the Juvenile Offenders' Bill.

General *Johnson* was opposed to the principle of the measure, and he moved, that the House should go into Committee on the bill on that day six months.

Sir *G. Strickland* thought that the bill would sanction great severity towards children. It would also strike a fatal blow at the trial by jury, and take it away in those cases where it was most wanted. He also objected to the punishment of whipping, as it was not stated how long, or with what instrument, or at whose discretion, it was to be inflicted. He therefore felt it his duty to second the amendment of the hon. and gallant Member.

Sir *E. Wilmot* said, that the hon. Baronet was mistaken in his opinion as to the severity of the bill, and his objections could only apply to the details, and not to the principle of the measure. The House had already decided that the bill was an improvement on the former system, inasmuch as it gave a summary jurisdiction in certain cases to the magistrates. The object of this bill was simply to provide for the time between commitment and trial, in order that boys of eleven or twelve years of age, when brought up for some petty offence, might have a chance of being reclaimed. It was true that the bill said they were to be sent to a common gaol, but unless they were subjected to such imprisonment, magistrates had no power over them at all. As to the private whipping, that might be dispensed with. His object was, to stop a boy of fourteen years of age from being sent to gaol, to be ruined for life. Let him have a tribunal by which he could save him from that degradation. It was only three weeks since, that a boy had been convicted, in order that the judge might have the power of sending him to the Penitentiary.

Mr. *J. Jervis* would support the motion for going into committee, though he objected to the principles of the bill; and he did not see how any alteration could make it meet his views. These offenders would be tried in the absence of the public, in the absence of the press, and in the absence of the salutary check of the bar. There would, in fact, be nothing but hole-and-corner decisions. These circumstances, of themselves were sufficient to induce him to oppose the bill.

Mr. *Barneby* said, that no one could be more opposed to the principle of the bill than he was, but he thought it would be unfair to the promoter of the bill, after the House had decided in favour of the principle of it, to refuse to allow it to go into Committee.

Colonel *Wood* thought it would be a mere waste of time to go into Committee upon a bill, to the whole of the clauses of which every hon. Member who had spoken, had expressed himself opposed.

Sir *E. Sugden* said he should vote against the committee. The object of the hon. Baronet seemed to be, to provide for the punishment of young offenders, and also to provide, after their conviction, for their improvement and reform; so far he was disposed to support the measure; but he must object to that part of the plan which placed the extent of the imprisonment of the culprit, or his punishment in other respects, within the breast, not of the judges and the jury who had tried the criminal, but in that of the magistrates, who were not cognizant of the merits of the case. The effect of the second clause was to throw upon the counties that expense to which they were not prepared to submit. To the first clause he should offer his opposition if they went into the committee upon the bill, and if that clause were defeated upon a division, he confessed he should be of opinion there was an end to the whole bill.

The *Attorney-General* observed, the principle of the bill was, in his opinion, unobjectionable. He should, however, feel disposed to improve its various details. The object of the whole appeared to him to be the reconciliation of our different enactments upon the subject of felony by juvenile offenders. The principle of the act was, that when a child should be accused of felony, he should not be compelled to hold up his hand to the bar upon being arraigned, after the manner of a felon, and that the usual jury on such occasions should not be charged with his deliverance, but that his case should be subjected to a domestic tribunal, especially entitled to take cognizance of the offence. The more plausible objections to this bill and its principle were, that it had a positive tendency to abolish that birth-right of Britons—the trial by jury. There was not within those walls an individual, nor out of the profession, who had all along entertained a higher respect for the institution of trial by jury, but he would remind the House, that already the Legislature had departed from that principle in all its strictness; and had sanctioned, in cases of misdemeanor, the adjudication of the case by the magistracy at the sessions. The House ought to be informed of the glaring anomaly that subsisted in our enactments upon the subject of theft. As the law stood, if a boy stole apples from off the tree, it was merely a case of trespass; whereas, strange as it might appear, if he took the apples up from the ground within the orchard, the offence amounted to felony. Such a a state of the law was totally irreconcileable to common sense and sound reason, and calculated to bring its authority into disgrace. What he wished upon this subject was, to see adopted some summary but prudent mode of dealing with cases of juvenile offence. Why should a child, seeing apples upon the ground, and being induced to take them up, as shed from the tree, be compelled to go through the form of a trial, and hold up his hands with felons in the dock, upon being arraigned for a crime of such a description? Why not prefer the summary mode of punishing such trivial offences, under proper regulation, by a domestic tribunal. He could not see why the jurisdiction of such cases could not be safely intrusted to two justices at sessions. It was a painful reflection to think that, under the forms of law at this day, a child should be committed for ten or twelve weeks to a gaol, there to keep company with the lowest felons, to become schooled in vice, to be tried with them at the same bar, and, possibly, be condemned to expiate their trifling and inconsiderate offences by a period of incarceration with experienced villains, who took pains to instruct them in all the arts which might render them expert common thieves. He hoped the bill might secure the country from the growing evil of juvenile vice and youthful profligacy. So far it should, as respected its principle, have his cordial support, though he confessed there were in the bill deformities and defects which he should assist in attempting to remedy, if the House agreed to commit the bill.

Mr. *Pease* said, if the House were to suffer itself to be diverted from the serious consideration of the subject embodied in the bill before the House, they would ere long have reason to regret their imprudence. For his part he must acknowledge he felt a deep sense of gratitude to the hon. Baronet for the introduction of the bill under discussion.

Mr. *Aglionby* said, the state of the law of England was such, that the merest child was liable to all the tedious forms of imprisonment, commitment, and trial, for stealing a few peats from a peat stack. Such a state of the law was a disgrace to the jurisdiction of the country.

Mr. *Benett* objected to that part of the bill before the House, which rendered it necessary that hereafter no petty sessions of the peace should be held for any purpose whatever within the walls of a public or of a private house. The bill would entail, in this respect, great expense upon the several counties, inasmuch as all such petty sessions must be held, even for the trial of juvenile offences, or other matters, in sessions houses erected at the expense of the several counties.

The House divided on the original question:—Ayes 35; Noes 22; Majority 13.

List of the Ayes.

Adam, Adm. Sir C.
Aglionby, Major
Baines, E.
Briscoe, J. I.
Brotherton, J.
Buller, E.
Busfield, W.
Campbell, Sir J
Collier, J.
Douglas, Sir C. E.
Finch, F.
Freshfield, J. W.
Handley, H.
Hodgson, R.
Hughes, W. B.
Irving, J.
Jackson, Sergeant
Lambton, H.
Mackinnon, W. A.
Marsland, H.
Maule, hon. F.
Morris, D.
Packe, C. W.
Palmer G.
Pease, J.
Pendarves, E.W.W.
Rolleston, L.
Rutherfurd, rt.hon. A.
Scrope, G. P.
Stansfield, W.R.C.
Verney, Sir H.
Vigors, N. A.
Warburton, H.
Wood, B.
Yates, J. A.

TELLERS.

Wilmot, Sir E.
Aglionby, H. A.

List of the Noes.

Benett, J.
Bridgeman, H.
Buck, L. W.
Buller, Sir J. Y.
Fielden, J.
Greenaway, C.
Hector, C. J.
Henniker, Lord
Lister, E. C.
Litton, E.
Parker, R. T.
Patten, J. W.
Pechell, Captain
Pigot, D. R.
Pryme, G.
Salwey, Colonel
Somerset,rt.hnLordG.
Sugden, rt. hon. Sir E.
Wakley, T.
Williams, W.
Wodehouse, E.
Wood, Colonel

TELLERS.

Johnson, General
Strickland, Sir G.

House in Committee on the first clause.

Mr. *Pryme* moved after the words "hear and try," be added, "so that all juvenile offenders should be tried before a jury of six persons."

Mr. *F. Maule* said, such an amendment as that would do away with the principle of the bill; he could not support it.

Mr. *Darby* was opposed to the bill, but he was more opposed to reducing juries, and he could not attempt to defeat the bill by a side wind. He must oppose the amendment.

Sir *G. Strickland* was opposed to the reduction of the juries—he was a Conservative so far—but he would prefer a trial by six jurymen to no trial at all.

Mr. *Wakley* thought the words "in open court," ought to be added, because he decidedly objected to these decisions and convictions being had in private.

Sir *Eardley Wilmot* was sure the hon.

Member had never attended courts of justice, or he would not make such a suggestion. It was never intended that these decisions should take place in private.

Sir *George Strickland* had frequently seen persons turned out of court, and as the law was not defined on that point, he thought it would be advisable to insert these words.

Sir *Edward Sugden* thought the suggestion of the hon. Member was calculated very much to embarrass the question. With respect to the amendment of the hon. Member for Cambridge, he certainly should object to a small jury of six—the law provided that they should either have a jury of twelve, or reject the jury altogether. He hoped the amendment would be withdrawn.

The committee divided on the amendment:—Ayes 6; Noes 29; Majority 23.

List of the AYES.

Butler, hon. Col.
Fielden, J.
Johnson, General
Vigors, N.A.
Wakley, T.
Williams, W.

TELLERS.

Pryme, G.
Strickland, Sir G.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Bewes, T.
Briscoe, J. I.
Brotherton, J.
Buck, L. W.
Busfield, W.
Darby, G.
Handley, H.
Henniker, Lord
Hughes, W. B.
Lister, E. C.
Marsland, H.
Marsland, T.
Maule, hon. F.
Packe, C. W.
Parker, R. T.
Patten, J. W.
Pease, J.
Richards, R.
Rolleston, L.
Rundle, J.
Sugden, rt. hon. Sir E.
Warburton, H.
Wodehouse, E.
Wood, Colonel
Wood, B.
Yates, J. A.

TELLERS.

Wilmot, Sir E.
Buller, E.

House subsequently counted out.

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HOUSE OF COMMONS,

Thursday, May 28, 1840.

MINUTES.] Petitions presented. By Mr. Easthope, from Grocers of Leicester, for measures to promote the supply of Free Labour Sugar; and from Congregations of Leicester, Loughborough, and many other places, against Church Rates, and Church Extension by Public Grant.—By Mr. Fleming, from Milton, Hampshire, against any further Grant for Maynooth.—By Mr. Busfeild, from various places in Yorkshire, for the Abolition of Church Rates.—By Mr. Muutz, from Birmingham, for the Equalisation of the Duty on Beer Licences.—By Mr. C. Dundas, from Flint, against Church Rates.—By Mr. T. Duncombe, from Dewesbury, for more humane treatment of Feargus O'Connor; from J. Thorogood, against Church Extension; and from an Individual of Yeovil, complaining of the Seizure of his Property for Church Rates.

BONDED CORN.] Mr. *Hutt* said, that the subject of which he had given notice, and to which he now wished to call the attention of the House as of great importance to the public interests, was one with which the House was by no means unfamiliar. Since the Grinding Act expired in 1825, various propositions had been submitted to Parliament for allowing corn to be manufactured into flour in bond, for the purpose of exportation. These propositions had been brought forward in the form of bills, and though they had been anxiously promoted by the Gentlemen who introduced them, and supported by the shipping and mercantile interests of the country, they had not, any one of them, had the good fortune to obtain the sanction of the House of Commons. He did not now propose to introduce a bill upon the subject, for he could have little hope of attaining an object which Gentlemen every way his superior had failed in accomplishing. But, being strongly impressed with the conviction, that the hostility evinced by the House to these measures had been the result of insufficient information and ill-founded alarm, that hon. Members in deciding on them had neither estimated rightly the advantages which these measures would confer on the community, nor the evils which they could by any possibility impose on any particular interest in it, it was with these feelings, and being urged by that class, whose welfare it was his more immediate duty in that House to promote, that he had been led to come forward and to request that the House would grant him a committee to inquire into the question. At least let the subject, with the nature of which few gentlemen could have any practical acquaintance, be fully and fairly investigated. Whatever opinions the House might entertain of the prudence and propriety of permitting corn to be ground in bond, he was sure, that looking to the large and influential classes who had solicited this boon of the Legislature, all parties would agree that it was not a request of that nature, which should be lightly or carelessly denied. The case of the merchants was this, they allege that, under the restrictions of the existing law, extensive markets, in which they might carry on a valuable trade, are closed against them; that, in consequence of the disabilities which their own Legislature has imposed on them, Newfoundland, the West Indies, the Brazils, and other countries, are either exclusively supplied with flour manufactured by foreign nations, and imported in foreign shipping, or if they embark in the trade at all, they must do one of two things, both of which are seriously detrimental to them, as engaged in competition with foreign merchants. They must either purchase in this country flour which has been ground in another—very probably across the Atlantic, and thus, burdened with the charges of importation, with the expense of warehousing, and the loss from deterioration, tranship it into a vessel in a British port, or they must send to some port in the north of Europe a vessel perhaps bound for the coast of America, thus lengthening the voyage by many weeks, and by a distance of several hundred miles, with additional insurances, port charges, and other expenses of navigation, to take in flour for foreign or colonial markets, filling up their cargo invariably with the manufactured productions of rival nations. He found from official papers which the noble Lord, the Secretary for Foreign Affairs, had permitted him to have access to, that on an average of three years upwards of 18,000 tons of British shipping annually repair to the port of Hamburgh alone, under the adverse circumstances he had described, for the exportation of flour, and that upwards of 15,000 tons of shipping laden with flour annually left the ports of Hamburgh, Copenhagen, and Dantzic, for the single colony of Newfoundland; and that for the supply of this colony with flour and biscuit, upwards of 75,000*l.* sterling was annually laid out in the port of Hamburgh alone. From the port of Dantzic our traders carry off 10,000,000lbs. of flour annually, while the exact amount exported from Copenhagen in the years 1837 and 1838, was officially stated as follows:—"1837, wheat flour, 8,864,125lbs.; biscuit, 252,172,000,000 1838, wheat flour, 9,000,000lbs.; biscuit, 274,022,700,000." All of this, under a different system of policy, might have been manufactured at home, and exported in British vessels directly from British ports. Now, were these times when it was wise thus to harass and obstruct, by artificial restrictions, the operations of commercial enterprise? At all events, was such a proceeding so obviously wise and profitable, that the House would refuse to inquire into it at all? What did they gain by this system? Did they suppose, that by preventing the exporting merchant from grinding flour in bond, they compelled him to purchase the flour raised on their own soil? Not a pound of it. For all purposes of exportation the British merchant must go to the foreigner. They could not prevent him if they would; they ought not if it were in their power. Now, mark the consequences of their prohibitory legislation. They had driven from the shores of England a valuable branch of manufacture to establish it on the continent. Gentlemen who had visited Hamburgh, Copenhagen, or Dantzic, would bear witness to the fact, that an enormous amount of foreign capital was there invested in those mills which, but for these prohibitory laws, would have been erected in our own country. Did this seem like the contrivance of sagacious policy? Was the spectacle of foreign mills grinding corn for British consumption almost within sight of their own shores one on which the Legislature could dwell with unhesitating satisfaction? Would they not pause to investigate it? But this was not all. It was not merely a question of commercial enterprise, or of the investment of capital, though in a country where the rate of interest and the profits of trade were so low, that was a question of vast economical importance. Let them think of the employment which this system snatched from the British labourers and transferred to labourers on the continent. Was this quite fair to the working classes? Was it quite prudent towards yourselves? Were they resolved to prevent Chartism, and to put an end to popular discontent? Then in that House, where every other interest was so cautiously considered and protected, do not let them neglect the interests of the working classes. The working classes had no direct representatives in that House, and that was the strongest possible reason why in every act of the House the rights of industry should be scrupulously respected. He did not mean to say, that these claims should be paramount to every other, but so long as they rejected the demand for universal suffrage, they were bound by every obligation of justice and of self-interest to show a special respect for the rights and the well-being of the industrious classes. The system which he proposed to investigate was established in manifest violation of them. Let them look, then, to the price which they paid for this prohibitory system, which they so pertinaciously maintained. Let them consider for one moment what they paid for this prohibitory system. There was the transference of a valuable branch of commerce from England to the stranger—the use of foreign shipping and foreign manufactures when they ought to use their own. There was also the remuneration of a vast employment in milling, the cooperage of casks, the construction of mills and of ships, an employment which rightly belonged to British industry, and which was now abandoned to the industry of other nations. These things, together with the artificial enhancement of the price of food in our colonies, constituted the price which they paid for prohibiting the home manufacture of flour in bond. What did they gain by it? Nothing. He defied any man to point out a single direct advantage which accrued from the prohibition. It was said, he knew, that the permission he contended for would open a door to smuggling, and that thus flour would be surreptitiously introduced into the home market. This objection could only be urged by persons who were completely ignorant of the measures practically resorted to by the customs for the security of bonded goods, and ignorant of the uniform and complete success with which they were applied. Smuggling from the Queen's lock was an offence almost unknown. It was unknown in respect to sugar, which paid a duty of 100 per cent.; it was unknown in regard to brandy, which paid a duty of 500 per cent.; unknown in regard to tobacco, which paid 1,200 per cent. duty. Was then the offence likely to be committed in regard to flour, which paid 25 to 30 per cent.? Was a vague and idle suspicion to be so cautiously respected for the sake of the produces in flour, when all such considerations were set aside in regard to the dealer in sugar and tobacco, both of which were subjected to a high duty, and permitted to undergo a process of manufacture in bond? It had been said that this proposition was an indirect attack on the Corn-laws. He utterly denied it. His hon. Friend, the Member for Wolverhampton, disapproved of this proposition, because it had a tendency to relieve the Corn-laws from a portion of the odium in which they were regarded. He believed that it had a tendency that way. He was sure that injustice on the part of the Legislature was calculated not merely to overturn the Corn-laws, but all the other laws and institutions of the state; that there was nothing so dangerous, so revolutionary, as a public abuse protected by authority, and the strongest possible motive to popular convulsion was a notorious wrong consecrated by the laws. The hon. Member concluded by moving for the appointment of a Select Committee to inquire under what restrictions it might be expedient to permit flour to be manufactured in bond.

Viscount *Sandon* was anxious that this question should have the fullest and most mature consideration. He thought such a measure as the hon. Gentleman had proposed would be highly advantageous to the trade and shipping interest of this country, and he considered that it might be adopted with perfect safety as respected the interests of the home growers of corn. He should have been willing at once to sanction the introduction of a bill to carry out the views of the hon. Gentleman who had brought forward this motion, but, as a majority of the House had so recently decided against going into Committee on the Corn-laws, he was heartily glad, as a bill might not be successful, that this question had been brought forward in such a shape as would enable the House to investigate it fully.

The Earl of *Darlington* said, this was not the first time that this question had been under the consideration of the House, though, perhaps, it had never before been brought forward in its present shape. Bills to carry into effect the views of the hon. Gentleman had been introduced on former occasions, and these bills had always been resisted, and chiefly on two grounds. The first of these grounds of objection was, that such a measure as was now proposed had an indirect bearing on the Corn-laws; and the second was, that no sufficient guarantee could be provided against smuggling. The last of those objections was the one which had operated on his mind to induce him to oppose those bills; but if it could be shown that fraud could be effectually prevented, he should not oppose any similar measure. For that reason he should not oppose the appointment of a Committee of inquiry, before which the whole subject could be fully investigated. If, however, the Committee was unfairly composed—if two-thirds of the Members were opposed to the existing Corn-laws, and only one-third in favour of them, he was sure that the recommendations of such a body would not receive the sanction of the House. He, however, thought the proposed inquiry fair and reasonable, and he should not oppose it, provided security was given that the interests of every class would be equally attended to.

Mr. *Christopher* felt himself obliged to oppose the motion. If the hon. Member who had brought it forward, had held out any hope that new facts, in regard to this subject, could have been elicited by a committee of inquiry, then he might have been induced to agree with the noble Lord who had last spoken, and have voted for the motion. But the hon. Mover had held out no such hope. This was a question which had over and over again been discussed in that House, and was one on which repeated decisions had been given against the views of the hon. Mover. He could not therefore see the necessity for again bringing it forward, as it had on former occasions been fully investigated. He considered this motion as an attack, by a side wind, on the Corn-laws, and as such, he was sure it would be received by the country. The House had only two nights ago refused, by a large majority, to go into committee on the Corn-laws, and under these circumstances he was resolved to resist this motion, and to divide the House upon it, if it was pressed.

Mr. *G. Heathcote* confessed that nothing had fallen from any hon. Member who had spoken on this motion to alter the opinions which he had formerly expressed upon this subject; and if the hon. Member who had last spoken, divided the House, he should certainly vote with him. The measure which was now proposed, was not a new one. The proposal of the hon. Member who had brought forward the motion, had been tried before, and had been found a failure, as the greatest frauds were constantly committed; flour having been admitted into bond, and chalk having been taken out in return. It not unfrequently happened that ships took flour and bread on board, afterwards using them as ship's stores, and the bonds were not enforced. He would have this, as well as every other portion of the system inquired into. The strongest possible feeling prevailed amongst the agriculturists and farmers in his district against this measure, in a district, too, which was not so far from Hull. He felt convinced that the table would be loaded with petitions against a bill on the subject if the agriculturists once thought that such a measure were likely to pass.

Sir *J. R. Reid* hoped that the agriculturists would act liberally towards the shipping interests in this as in all other instances. He trusted that the hon. Member for Lincolnshire would withdraw his opposition, and permit the question to be discussed fairly in the proposed committee.

Mr. *Labouchere* thought the course pursued by his hon. Friend, the Member for Hull, an exceedingly fair one. In his opinion, this power of converting foreign wheat into flour in bond, would be a very great benefit to the commercial interest, without incurring the smallest danger of infringing the provisions of the Corn-laws. Although he was as strongly opposed as any man to the existing system of corn-laws, yet if he thought that the proposed measure would have a tendency insidiously and indirectly to undermine the operation of the Corn-laws, so long as those laws existed, he would most strenuously oppose it. He had always considered the alarm entertained upon this subject by the country gentlemen to be quite groundless. He was somewhat surprised to hear the speech which had been delivered by the noble Lord, the Member for Shropshire. Four or five years since, great alarm prevailed amongst the landed interest lest the privilege accorded to the Channel Islands, with reference to foreign corn, should lead to an illicit importation of grain into this country. He had had the pleasure of meeting the noble Lord upon that occasion, and they had carefully inquired into the subject. The result of this inquiry was, to produce the conviction in their minds, that the statements which had been made upon the subject, had been greatly exaggerated, and that this valuable boon conferred upon these dependencies of the British Crown was productive of no injury to the landed proprietors of England. He entertained sanguine hopes, that as the result of the proposed committee's labours, a measure would pass the Legislature conferring this important privilege upon the mercantile interests. Our West Indian possessions and Newfoundland took large quantities of flour, no mills existing among them. If this measure were carried, they would be enabled to take this foreign grain from our ports in the shape of flour, which if unground, they could not consume. This would be also a boon to the labouring population, who would be presented with all the advantages which these various branches of industry would generate. By the existing system they made a present of this branch of trade to Hamburgh and other foreign ports.

Mr. *A. White* said, as the measure proposed by his hon. Friend would be a very great boon to the shipping and commercial interests of the country, he trusted a majority of that House would not refuse inquiry, so that some safe system might be found out to carry it into effect.

Sir *J. Graham* hoped that the motion would not be pressed to a division. He entirely concurred with the view which had been taken by his noble Friend, the Member for Shropshire. He differed wholly from the right hon. Gentleman opposite with respect to the Corn-laws. The right hon. Gentleman opposed them; he strenuously supported them. He supported them, because he was firmly persuaded that the protection of agriculture by a graduated scale of duties—the only mode which he believed would be either effectual or permanent—was essential to the general interests of the community. It was his earnest desire to enforce that protection as little vexatiously as possible. In a former Session, when a bill was introduced upon this subject by the hon. Baronet, the Member for Dartmouth, he had opposed it as tending to encourage fraud. It was only upon this narrow ground that a measure like this could be resisted. Into the proposed inquiry he was prepared to enter; but he did not think the terms of the hon. Member for Hull's motion altogether unobjectionable. He did not think that an inquiry as to the means of carrying on this manufacture should be referred to a committee. The subject referred to them should rather be, whether it was practicable by any means to secure the revenue, and prevent the illicit intrusion of foreign corn. It would then be for the House to consider as to ulterior measures. He would suggest, that these words should be added to the motion—"to consider whether it was possible, without fraud to the revenue, to devise means for the grinding of corn in bond." He trusted that there would be no division.

Mr. *Mark Phillips* felt the importance of the subject so much, that he had placed in the paper a notice of his intention to introduce a bill during the present Session. He did not complain of the hon. Member for Hull having taken up the question, and he would shortly state his reasons for taking so much interest in the question. He thought they ought to give every possible scope to the enterprise of the merchants, but he never wished to do so in contravention of any existing law. Whenever a demand was made for flour the merchants were compelled to go into the ports of the Baltic in order to supply the markets of the United States and the Brazils, and those voyages were attended with considerable expense and loss of time. He recollected hearing Mr. Poulett Thompson state, a few years ago, that owing to the deficiency in the crop in the United States there would have been a very considerable demand for flour from England, if at the time they had been permitted to grind corn in bond. Most of the seaports in America had no means of converting grain into flour, and their supplies always came from the interior in the shape of flour. On that occasion it would have been of great advantage to the Americans, and a great convenience to our merchants, if they had been permitted to supply the demand. He thought an arrangement could be made by which that object might be accomplished, while at the same time security was given that the revenue should not be defrauded. It was a notorious fact that under the new bonding system goods of the most valuable description were allowed to be transferred from London to Liverpool, or to any other part of the country which had the advantage of canal communication, without any loss whatever to the revenue. It had been stated, he believed, before that Committee, that no loss to the revenue had occurred from the abstraction of property in transit; there had occasionally been losses by forfeiture of bonds on account of the insufficiency of the bonds given in the first instance, but there had been no pilfering or abstraction of property during its transit. He could not conceive any great difficulty with respect to security in this case. It had been tried with respect to sugars now refined in bond, and though at first there had been some practical difficulties these had been overcome. With respect to the bran so manufactured, if the duty were to be paid equal to the present 20 per cent. *ad valorem*, he thought it probable great advantage would be derived by the manufacturing interests. He was informed by a large house that in the making 410,000 printed calicoes they had consumed 250 tons of bran that year. Bran was an article that was always extremely dear in manufacturing districts, and if Gentlemen would compare its price there and in the agricultural districts, he thought they would find it to their interests to introduce larger quantities there. He had no doubt in his own mind that such restrictions might be introduced as would enable these manufactures to be carried on with perfect security; but a Committee of Inquiry was the proper place for this to be fairly and properly settled. There was one other argument he would suggest, as it was important to give every inducement to industry within our reach. It would be found there were other branches of industry that were promoted by it. He had thought at one time exportation might be effected in sacks, but he found he was mistaken, and that barrels must be employed; so that they would form a new branch of trade, namely, the cooperage, which would give employment to a large number of individuals. All this, however, was matter for consideration by the committee, who, he trusted, would agree on such measures as should best give an impulse to industry.

Mr. *Eaton* was satisfied that the present motion was an attack upon the Corn-laws by a side blow, and he thought he should be best serving the agricultural interest by opposing it.

Mr. *Warburton* had no objection to the hon. Member for Hull amusing himself with a committee if he liked. He had no doubt but that he might do so without opposition, but when he brought in a bill founded on the evidence taken before that committee, it would fare in the same manner as the bill brought in last year by his hon. Friend below him, the Member for Dartmouth, which was permitted to be read a second time, but when they came to discuss the provisions by which it was proposed to guard against fraud, they were not permitted to enter upon the consideration of them, for on the motion that the Speaker do leave the chair, preparatory to going into committee on the bill, the right hon. Baronet opposite mustered all his forces, and the bill was thrown out. This was, in fact, the farce after the serious drama which had recently been performed in that House. The hon. Member for Lincoln, had said, that no new arguments had been brought forward which had not been brought forward in favour of the former system, which had been found to be attended with fraud in its operation. Now this was not the measure which had been brought forward before. The principle was different. With regard to sugar, when a certain quantity of raw produce was taken into bond, and a certain quantity of manufactured sugar, allowed to be exported, which was assumed to be the product of the raw sugar, frauds took place; the same thing occurred with regard to flour, when it was assumed that a certain quantity of corn could produce a certain quantity of flour, which was to be the quantity exported,—but that was not the principle now proposed. The principle now proposed was, that the whole of the manufactured article produced from the raw material should be exported,—the same principle had been applied to sugar, and had been found to answer. He believed his hon. Friend might amuse himself with a committee if he liked, but that when he brought forward his practical measure he would find he would be defeated.

Colonel *Wood* said, that many hon. Gentlemen who had voted for the second reading of the bill of the hon. Member for Dartmouth, had also voted for the Speaker leaving the chair to go into committee on that bill, because they believed the measure to be harmless as regarded the Corn-laws, while they thought it would conduce to the advantage of the shipping interest, so that the hon. Member for Bridport, was not quite justified in the accusation he had brought forward against all those who had supported the second reading of that bill. He hoped the House would allow an inquiry to be gone into, because he was sure the measure would be found to be perfectly harmless as regarded the landed interest.

Mr. *G. Palmer* would not quibble with the motion. It was clear that if the House did consent to a committee, that that committee would be composed of Members who were favourable to the principles of the hon. Mover, and who would make a report favourable to his views of the question. The committee would be no doubt a partial one. It appeared that there were two points in which the motion could be considered; the first was, the consideration of grinding foreign corn without injury to the revenue; the second was, the effect it might have upon the consumption of British grown corn. As to the first point he felt satisfied that there would be a great difficulty in providing against frauds which were always known to take place when grinding corn occurred on account of the various forms which it assumed, and the opportunities it afforded of being mixed with other material. That, however, was a fiscal consideration for the Government, and not for an individual Member, and of secondary importance when compared with the other consideration, namely, the permission to grind foreign corn in bond for the purpose of exportation. The necessary effect of such a law would be to supply with foreign corn the colonies, the ships, the coasting vessels of our shores, and in fact every place without the precincts of the kingdom, to the total exclusion of home grown corn. He, therefore, would oppose the motion.

Mr. *Villiers* wished to make an observation, in consequence of his hon. Friend, the Member for Hull, having revealed a private communication that had taken place between them. His hon. Friend certainly told him that his intention was to constitute the committee entirely of country gentlemen; but he had referred to what had taken place between them, with a view of unduly influencing the judgment of the House at his expense. His hon. Friend had recommended his motion, on the ground that he had said the refusal of the motion would throw odium on the other side. That disclosure was not correct. The only question between him and his hon. Friend was as to the time; and he had recommended the motion of his hon. Friend to be brought on after the House had rejected the motion for a committee on the Corn-laws, which they were sure to do, as it was very unpopular. His hon. Friend then said, "Oh, I am sure to carry it, for Lord this and Lord that, and Sir Charles the other, have promised me their support." All that he had said was, that he did not consider the objection was as to the details, but as to meddling with the Corn-laws at all; and that, as no opposition was to be offered to the motion, his hon. Friend had better bring in a bill at once. He never begged him to withhold his motion on account of casting odium on the other side. It might do some good, and he did not see how it could prejudice anybody.

Mr. *Hutt*, after the extraordinary speech of his hon. Friend, the Member for Wolverhampton, must make an observation. It was true this was a private conversation, but his hon. Friend had stated, two years ago, in that House, that his objection to this bill was, that it would remove from the Corn-laws a portion of that odium which he thought they justly deserved. [Mr. *Villiers*—No.] That was the impression on his mind. If he had misunderstood his hon. Friend, he must return the compliment by saying his hon. Friend had most egregiously misunderstood him. With regard to the motion before the House, he begged to state it was his determination to deal honestly with all parties.

The House divided. Ayes 126; Noes 54;—Majority 72.

List of the AYES.

Acland, Sir T.
Aglionby, H. A.
Aglionby, Major
Baines, E.
Baldwin, C. B.
Baring rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Bernal, R.
Bewes, T.
Blackburne, I.
Blake, M. J.
Blake, W. J.
Bowes, J.
Briscoe, J. I.
Brotherton, J.
Busfeild, W.
Callaghan, E.
Canning, rt. hn. Sir S.
Childers, J. W.
Clay, W.
Clements, Lord
Clive, hon. R. H.
Collier, J.
Colquhoun, Sir J. C.
Courtenay, P.
Craig, W. G.
Currie, R.
Darlington, Earl of
Douglas, Sir C. E.
Duncan, Viscount
Duncombe, T. S.
East, J. B.
Egerton, W. T.
Ellice, rt. hon. E.
Ellis, W.
Ewart, W.
Fielding, J.
Finch, F.
Fleetwood, Sir P. H.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harcourt, G. G.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hepburn, Sir T. B.
Heron, Sir R.
Hope, hon. C.
Houstoun, G.
Howard, hon. E. G.
Howard, F. J.
Howard, P. H.
Ingham, R.
Irving, J.
James, Sir W. C.
Johnson, General
Jones, J.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, W.
Lincoln, Earl of

Lister, E. C.
Litton, E.
Lushington, C.
Macaulay, rt. hn. T. B.
Marsland, H.
Melgund, Viscount
Morris, D.
Muntz, G. F.
Norreys, Sir D.
O'Brien, W. S.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Parker, J.
Parker, R. T.
Patten, J.
Pattison, J.
Pease, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Power, J.
Rawdon, J. D.
Rice, E. R.
Roche, W.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Shaw, right hon. F.
Sheil, right hon. R. L.
Stanley, hon. E. J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Teignmouth, Lord
Thompson, Alderman
Thornely, T.
Tufnell, H.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Wall, C. B.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Williams, W. A.
Wodehouse, E.
Wood, G. W.
Wood, Colonel T.
Worsley, Lord
Wrightson, W. B.
Wynn, C. W.
Yates, J. A.

TELLERS.

Hutt, W.
Sandon, Viscount

List of the NOES.

Bagge, W.
Bailey, J.
Bell, M.
Benett, J.
Broadley, H.
Brownrigg, S.
Buller, Sir J. Y.
Burr, H.
Codrington, C.
Darby, G.
Dunbar, G.
Duncombe, W.
Duncombe, A.
Du Pre, G.
Eaton, R. J.
Estcourt, T.
Fitzroy, H.
Fleming, J.
Freshfield, J. W.
Gore, O. W.
Grant, Sir A. C.
Hale, R. B.
Handley, H.
Harcourt, G. S.
Henniker, Lord
Hodges, T. L.
Ingestrie, Lord
Knatchbull, Sir E.
Knightley, Sir C.
Lygon, hon. General
Mackenzie, T.
Macnamara, W.
Martin, T. B.
Maunsell, T. P.
Mordaunt, Sir J.
Neeld, J.
O'Brien, C.
Packe, C. W.
Palmer, G.
Parker, M.
Perceval, hon. G. J.
Plumptre, J. P.
Pusey, P.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, R.
Rushout, G.
Spry, Sir S. T.
Stanley, E.
Vere, Sir C. B.
Verner, Colonel
Waddington, H.
Winnington, H.

TELLERS.

Christopher, R.
Heathcote, G. J.

BRIBERY AND TREATING.] Lord *J. Russell* said, there was one question on which, when he last addressed the House, he had not fully made up his mind, but on which he had since fully satisfied himself. It would, therefore, form one of the provisions of the bill which he should now ask leave to introduce. He intended to provide, that if bribery and treating, or if bribery, or if treating, were going on before an election, any one might give notice that such and such a candidate, by himself or his agents, was carrying on bribery and treating, one or both, and if that were proved before an Election Committee, such candidate should be disqualified, as a contractor or any one who had no qualification would be disqualified by an Election Committee. It very frequently occurred, that the one party having begun the practice of bribery in order by gaining a sufficient number of votes to turn the election, the other party immediately resorted to the same means, they bad against each other, every sort of corrupt artifice was used to carry the election, and, whoever might gain the day, both parties felt themselves so committed, that it was impossible for the defeated candidate to proceed against the other. But it sometimes happened, that a person standing on perfectly fair and just grounds, was defeated by means of bribery. He thought, that in such cases the most effectual measure that could be taken would be to say, that the person who so acted, and who was proved guilty either by himself or his agents before an Election Committee, should be disqualified, and that an interest should be given to some party in the borough not implicated in the corrupt practices to proceed before an Election Committee. Too often such practices as he had spoken of were quite notorious; it was known to everybody that an election had been carried by the unsparing use of large bribes, and yet there was no person to complain; nobody said a word against the election, and whichever party gained the day, the representation of the people through that House was sullied and corrupted. He therefore should propose a clause in the bill to the effect he had stated. On a former occasion he had gone with some minuteness into the details of the measure. He would therefore say no more with respect to them at present, as he thought they would be better understood by studying the bill itself. He knew, that this subject had long occupied the attention of the right hon. Gentleman, whom he was glad to see opposite. He believed the right hon. Gentleman, so early as 1810, had introduced a bill on the subject, and had since that time frequently brought it before the House. He trusted, that when the bill was brought in, the right hon. Gentleman would give it his attention, and he should be happy to receive from him any suggestions for its improvement. He begged to move for leave to bring in a bill for the better prevention of bribery and treating at elections of Members of Parliament.

Mr. *Williams Wynn* said, that as to the main provisions of the bill, as announced by the noble Lord, he hoped it was not necessary for him to say, that he should cheerfully support them; but he had great doubts as to the propriety of seating a person, having a minority of votes, who should give notice that the agents of the opposite candidate had been guilty of bribery: such a proceeding would interfere with the rights of the electors, and he thought it might lead to dangerous consequences. The electors could not have the slightest means of ascertaining whether or not the accusation was well founded. In every case where an election was going on, a candidate could try the experiment and give notice against his opponent for the chance of gaining the seat. That would at least alarm the electors, as it would be an intimation that their votes for his opponent would be thrown away. The effect might thus be to deter a great number of the electors from recording their votes. He should be most ready to concur in any provisions which would discourage corrupt practices, but he very much feared, that to adopt the provisions of which he had spoken would be more dangerous than to leave the law as it now stood.

Mr. *Warburton* remarked, that unless the bill of the noble lord made provision for setting on foot an investigation into the complaints of electors, independently of the candidates, it would not reach the majority of cases which occurred. [Lord *J. Russell:* That is included.] He was very glad to hear it, but he feared that so long as open voting was continued, no means for putting down corrupt practices would be effective.

Colonel *Sibthorpe* hoped that the noble Lord's bill would contain a strict definition of bribery, for during the many years he had had the honour of a seat in that House, he had never known what bribery was. He wished to ask—nay, he had been requested to ask—whether the right, he might say the imperative duty, of exercising hospitality was to come under the denomination of bribery. Suppose, for instance, a respectable tradesman might wait on him for the purpose of tendering his vote at a distance of seven miles. Was he to be guilty of bribery if he asked that individual under his roof, and invited him to sit down at his humble dinner?

Sir *R. Peel* observed, that this subject was one of extreme difficulty to legislate upon. All were desirous of preventing bribery, but while they wished, if possible, to detect and punish the guilty, they ought to see that advantage was not taken of acts which were innocent in themselves. Suppose that an election committee, having adjudicated on the individual claim before it, were to present a special report to the House, that circumstances had appeared which demanded further investigation, as affecting the general character of the body, and perhaps laying the foundation for a measure of disfranchisement, the House might in such a case give power to the committee to continue the investigation on public grounds, and at the public expense. It would be desirable that the committee should retain the same power which it now had for the purpose of conducting the private investigation of examining on oath. He could not help thinking that the disclosure of disgraceful conduct would have a very powerful effect in repressing such practices. As to bribery, he apprehended there could be no doubt that any effectual law framed for the purpose of preventing it should receive the support of the House. It appeared to him that this was a subject of much less difficulty than the law of treating, and if it were possible clearly to define bribery, so that persons might with a perfectly safe conscience take an oath, he should be very much disposed to require the parties to disclaim upon oath any participation in it. He thought this might be adviseable if no other remedy should be found effectual, although he had strong objections to the unnecessary multiplication of oaths. The offence, however, must be clearly specified and defined, otherwise persons who had been guilty of no improper act, but had dispensed their charity liberally in their neighbourhoods, might be deterred from taking the oath. It was quite possible that a man might be open to no imputation of corruption, who might have recommended himself to a borough by virtuous actions, and by the good offices which his station enabled him to dispense. Such a person might have great difficulty in taking an oath to the effect supposed if it were not carefully framed. He agreed with his right hon. Friend near him in thinking that the noble lord's provision of making it competent to a party, by giving notice to the electors, to disqualify the candidate who should have the majority of votes, and get himself returned by a majority, would require great consideration. Supposing that the bribery was going on boldly, perhaps there might be no objection, but it would lead to evasions and frauds of all kinds. He was afraid that the accusation of bribery by one candidate against another would be almost universal, and this would inevitably lead to retaliation from his opponent. It would not be wise to encourage such vague allegations. If it were possible to attach a penalty to a perfectly frivolous accusation, they might check the practice, but it would be difficult to make such a regulation. It was quite obvious that it was the interest of all the Members of that House to have some definite law. As the law now stood no man was safe. Treating often took place without a dishonest intention, and it was by no means uncommon for two candidates to come to an agreement mutually to permit it. Any third person, however, might give notice against this agreement, and render it of no avail. If the noble lord aimed at too much, the law could not be executed. But it was a matter which seemed to him to be worthy of consideration, whether the noble lord could not say that within a certain period before and after the election, there should be no treating, except in cases where the voter came from some distance, say six or seven miles, when a certain allowance, just sufficient for his sustenance, might be made to him, and if that were exceeded, then the voter should be disqualified. For his own part, within that specified period, provided the bill did not lay traps and snares for honourable men, who were not to be prevented from exercising innocent hospitality, he thought the effect of the measure would be beneficial. He therefore should give his most cordial approbation to the object at which the noble lord aimed. He thought it impossible not to feel that bribery or corruption was most disgraceful, bringing discredit not only on those who sanctioned, but also on the whole British House of Commons, and lowering its character, not only in this country, but in every other. He did not wish to give occasion to any discussion on the ballot, but he must say, that he did not see how bribery could be prevented by the ballot: however, he would not provoke discussion on that point. He approved of the object of the noble lord, although he thought that the subject was full of difficulty, and in conclusion he would express his earnest hope that all parties in the House, feeling that their own character was concerned, would exert their utmost endeavours to remove from the electoral system the stigma of bribery and corruption.

Colonel *Wood* said, that if the provisions of the bill were applied to counties, one half of the electors would be disfranchised. A different measure, therefore, should be introduced for counties. Some electors, working men, came ten or fifteen miles to poll, and it was absurd to say that they should not have refreshment. If that were prohibited, the electors would decline to register, he had no doubt. He trusted, therefore, that some mode of legalizing reasonable refreshment would be adopted for counties. If no other was propounded, he would take the liberty of suggesting to the noble Lord, that the sheriffs should have the power of ordering refreshments for the voters and charging it to the candidate. If something of that kind were not done, the consequences in counties would be deeply injurious.

Mr. *E. Turner* said, that the elector ought not to have the franchise if he did not choose to exercise it without the hope of favour or reward. It was otherwise derogatory to him, and disgraceful as well as injurious. Members of Parliament incurred great expense in attending to their duties, and he did not see why the electors should be rewarded for exercising their rights. He could not, therefore, agree with the hon. and gallant Gentleman who had just sat down, that there should be any distinction drawn as regarded treating between borough and county electors.

Sir *C. Knightley* said, the case of a poor man going to an election was well worth taking into consideration. He might have to walk fourteen or fifteen miles, and lose his day's work. It was material, that the poor electors should receive some kind of refreshment, because they could not afford to make sacrifices, as county Members could, for the service of their country.

Mr. *Baines* thought that the best way of preventing bribery and treating was to limit the time of election to one day. The great mischief occurred during the fatal night between the two days. He feared that no modification of treating could consistently be permitted or enjoined in favour of the poor, as proposed by the right hon. Baronet. His noble Friend, the Member for the West Riding of Yorkshire, had 28,000 constituents, many of whom came a distance to vote for him, and it would be a heavy drain on his purse if he gave a dinner to one-half of them.

Leave given.

GENERAL FORM OF AFFIRMATION.] Mr. *Hawes* then presented two petitions from certain Dissenters in favour of the bill which he was now about to introduce, "to provide a general form of affidavit for all persons believing the taking of any oath to be forbidden by the law of God." The Quakers had long been permitted to substitute their affirmation for an oath. The Moravians and the Separatists had also since received similar indulgences; nay, all who had, at any time, been Quakers, and who still professed to have conscientious scruples, were exempted from oaths. He did not, therefore, apprehend any danger from the extension of toleration in this respect. He would now propose, that all persons should be relieved from the necessity of taking an oath who should three months previously have gone before a magistrate and have solemnly declared their conscientious objection to that Act; thereby removing the danger or likelihood of setting up a false pretence in the matter, as the declaration would be made before the necessity could be foreseen. As he anticipated no serious objection to the principle he advocated, he would, to save the time of the House, at present only move for leave to bring in the bill.

Mr. *Goulburn* said, that he had stated his opinion on this subject already, and did not now intend to offer any opposition to the introduction of the bill; however, he begged that it would not be understood that he assented to the principle of the measure.

Leave given.

BRITISH TRADE WITH JAVA.] Mr. *Colquhoun* rose to call the attention of the Secretary for Foreign Affairs to the state of the question as to the replacement of the trade with Java on a proper footing, and for the better understanding of which he would, in conclusion, move, that all the papers connected therewith should be laid before the House. Previous to 1824, the Dutch government had been in the habit of laying on heavy *ad valorem* duties on all British goods imported into Java; but in the treaty framed in that year, by Mr. Canning, it was arranged that whatever British goods were imported they should only be charged double the duty laid upon similar Dutch goods; and that where Dutch goods were admitted duty free, British goods were only to be charged six per cent. Further it was agreed, that goods imported into Java were not to be charged according to their origin, but according to the vessels that brought them; so that if British goods were imported in Dutch bottoms, they were only to pay the Dutch rate of duty. Complaints were made by British merchants to Mr. Canning, in 1824 and 1825, that this treaty had been violated by the Dutch authorities in Java, and Mr. Canning (without referring the case to anybody) declared at once that it had been violated, and that redress should be obtained. After the death of Mr. Canning, the succeeding Administration had too short a tenure of office to carry his good intentions into effect. In 1832, the East-India Association of London made very strong remonstrances on the subject to the noble Lord at the head of Foreign Affairs, at a time the most favourable to the amicable settlement of the matter, when Holland had lost her Belgian territory, and was no longer particularly interested in preserving a market for the manufactures of that country in Java, and, therefore, not likely to raise any objection to the just fulfilment of the treaty. The noble Lord had replied to these remonstrances that he had at the moment matters under his consideration of greater importance to Holland, and that this point should not escape him in the settlement he had undertaken. However, nothing whatever was done during the next four years by the noble Lord. In 1836 the East India Association again appealed to the noble Lord. They stated that the treaty had been violated by the Dutch unchecked for twelve years, and urged its speedy vindication. His Lordship replied, that there was a difficult point of law in the case, on which he must in the first place take the opinion of the Crown counsel, and to their consideration it was accordingly referred. On the 8th of June, 1836, the East India Association applied to his Lordship to learn what that opinion was, and on the 9th of June his Lordship promptly informed them that it was unfavourable to their views and their claims for redress. The East India Association then applied to Parliament, through Mr. Stewart, Member for Lancaster, who, in August, 1836, laid the case of the British merchants before that House, and moved an address to his Majesty on the subject, on which case the noble Secretary for Foreign Affairs declared that it could not be denied, that the Dutch Government had violated the treaty of 1824—that her Majesty's Government had made serious representations on the subject, and would continue to press the Dutch Government until it had settled the affair in a just and satisfactory manner. It would, however, be very inconvenient for the House to interfere in the matter, and only serve to embarrass the exertions of the Ministry, but if the Dutch authorities would not attend to their representations, then they would be prepared to come to the House and ask their aid in furtherance of more effective measures. However, nothing was effected by the noble Lord despite all his promises. But, in September, 1837, the Dutch rectified their tariff, and so far confessed their error, on which the East India Association asked the noble Lord if there were to be any restitution of the duties levied on them in excess? They were answered that the noble Lord would attend to that along with the entire question of the trade of Holland and Belgium which was then under consideration. The East India Association having waited for some time after ths declaration, applied again to his Lordship and were officially informed, that his Lordship had no further information to give. On the 14th of February, 1838, the East Indian Association again applied to the noble Secretary, and threatened, if still neglected, to bring the whole subject before Parliament. His Lordship then stated, for the first time, that there was a counter-claim on the part of the Dutch; that the East India Company had, by its regulations established in the Bengal custom-house, also violated the treaty of 1824; and that it would be impossible to get restitution for the English merchants unless the East India Company repaid the Dutch merchants. That act of the East India Company, was, however, nothing new. They had changed their tariff in 1834, and the noble Lord gave them no notice of any objection taken to it till 1838. Would the noble Lord maintain the propriety of thus satisfying the claims of British merchants, who had lost 600,000*l.* by a set-off of from 20,000*l.* to 40,000*l.* owing by the East India Company to Dutch merchants? The importance of the trade to Java was very considerable, but under the management of the noble Lord the British interests had suffered exceedingly. The amount of cottons alone imported into Java in 1834, was 115,000*l.* We had then seven-eighths of the whole trade, while in 1838 we only possessed about one third of it, although it had increased to 796,000*l.* Out of 160,000 tons of shipping employed, only 30,000 were British. But the treaty had been violated in other things as well as in the point paralleled by the Bengal customs regulations, and would the noble Lord take no notice of them? Thus where the duty on coffee was two florins to the Dutch, the English were charged five. Again, woollens, hardware, and other articles which formerly were allowed to enter Java duty free, were now charged twenty-five per cent. He had been assured by the head of a respectable house in Glasgow, that, in consequence, he must give up the trade altogether. But there were further cases of injustice to be complained of. It had been agreed between the English and Dutch that neither should in any treaty with the native princes in Sumatra and the eastern archipelago stipulate for the imposition of any rate of duty by which the goods of the other should be excluded. Let the House look at the effect of these proceedingsin the island of Sumatra, which was of importance not only from its size and the extent of its population, but from its trade in pepper, coffee, and other productions. Now, the Dutch in the Island of Sumatra had advanced from one point to another, and had made a treaty with one of the Rajahs, in consequence of which he had prohibited certain British manufactures. Similar conduct had been pursued with regard to other Rajahs, and the Dutch authorities had threatened one on the north-east of Sumatra, with whom the principal pepper trade was carried on; in consequence of which the Rajah said, that unless some steps were taken by the British Government he must fall under the coercion system of the Dutch. The effect of these proceedings on the British trade had been, that whereas in 1829 our exports were about four millions and a half, they were in 1838 only about three millions and a half. Thus they had lost large portions of a trade with Sumatra, and thus was the trade restricted throughout the eastern archipelago. He knew not what hopes the noble Lord might hold out to British merchants on this subject, but he trusted that those hopes might be more completely realised than those which the noble Lord had held out in 1836, and repeated in 1838, but which now appeared to be as far from their accomplishment as when they were made. The hon. Member concluded by moving,

> "That an humble address be presented to her Majesty, praying that she will be graciously pleased to direct that there be laid before this House copies of all communications from British merchants, addressed to the Board of Control, or the Foreign Office, on the subject of the British trade with Java, with the answers to them, from the year 1832 to the year 1839 inclusive. Copies of any communications on the same subject from the Foreign Office to the Board of Control, and from the Board of Control to the directors of the East India Company, with the answers during the same period. Copies of any communications from British merchants, or from the authorities in Singapore, or elsewhere, addressed to the Foreign Office, on the subject of any interference with British or native trade to the island of Sumatra, or throughout the Eastern Archipelago."

Viscount *Palmerston* said, that he would first state, that he did not intend to oppose this motion. He did not think it necessary to suggest, that the motion should be framed for copies or "extracts," because the communications required were those which had taken place between the Government and British merchants, and not between the Government and their own agents. However, he should wish it to be understood, that if amongst the papers required, any communications of the latter sort should be found, extracts of the important parts only should be given. As he made no opposition to the motion, it was not necessary for him to follow the hon. Gentleman opposite through his long detail, in some parts of which he did not appear completely to understand what had occurred upon the subject. As a general remark, however, he would call the attention of the House to the course pursued on those subjects by Gentlemen of the political party to which the hon. Member belonged. At one time they raised a loud outcry against the apathy and indolence of the Government in not enforcing by arms the claims put into their hands for redress on account of wrongs which were stated to have been inflicted by the Government of different countries, and yet, when at last the Government, having exhausted all the exercise of remonstrance and expostulation, felt it their duty to take strong measures, those very persons were the most vehement and determined in censuring them for such conduct. They were ready to condemn them for acting out of the very same mouths with which a short time before they had condemned them for not acting at all. The hon. Gentleman had not kept sufficiently distinct the two grounds on which objections were made to the conduct of the Dutch. The first was, that they had not adhered to the treaty of 1824, by which duties to be paid by the subjects and ships of the two nations should be in regard to the ships and subjects of the foreign nation double that to be paid by the subjects of the nation to which the ship belonged. The Dutch had not observed those proper proportions, but after considerable discussion, an amended tariff was adopted as to the island of Java. The hon. Gentleman said what he believed was true, that that change had not turned out to the advantage of the merchants, and that, in some instances, it had increased the duties on our commodities; but it was to be remembered at the same time, that the duties were also increased on commodities from Holland. They could not, therefore, complain if they were not borne out in the construction of the treaty upon the second point. Now, the British Government had construed that treaty as requiring, that the duties should depend on the origin of the goods, and not the nationality of the ship. That certainly was a matter of construction, and not by any means so clear as the other part of the treaty which fixed the double duties. Still he had thought, and he had been borne out in that opinion by authorities whom he had consulted, that they could insist upon that interpretation of the treaty. But when the Dutch Government said, that so far from that being the fair construction, the Indian Government, in regulating their tariff, had placed upon that treaty the same interpretation as that adopted by the Dutch—when he found, that the Dutch and Indian Governments concurred in interpreting the treaty as regulating the duties according to the nationality of the ship, and not according to the origin of the goods, he then felt himself prevented in fairness and justice from pressing further upon the Dutch his own construction. That was the state of the case. The papers when produced would speak for themselves. With regard to the encroachments which were said to have been made by the Dutch in the Indian seas, he was not aware, that any of the cases had been brought under his attention. The point chiefly pressed upon him was, that the Dutch Government in the island of Java had been extending their conquests in those parts, and that that extension was a violation of their treaty; but this treaty only stipulated, that the authorities of neither party should make any encroachments without the sanction and consent of their own Government, and in this case, upon application to the Government at the Hague, it appeared, that the proceedings of the authorities in the island of Java had received the sanction of their Government. There was, therefore, on that account, no reason for any representation being made as to the violation of that treaty. He would not then enter further into the subject, as he had no objection to produce the papers, and when they were produced, he had no doubt that he should be able to give every explanation which could be required.

Motion agreed to.

Marriage Act.] Mr. *Langdale* moved for leave to bring in a bill to amend the Marriage Act. By the existing law a party was obliged to be married in the district for which he obtained a certificate of residence; but it often happened that there was no place of worship in the locality, and he meant to propose that no registrar should give a certificate of marriage out of his district, but that he should have the power, if a party proved that there was no place of religious worship in his district, to permit the marriage in the nearest place in which there was.

Mr. *Goulburn* did not wish to oppose the motion, but he warned the House that they should be careful in tampering with existing law.

Mr. *Shaw* thought there was some danger by the proposed legislation of throwing a doubt on the validity of past marriages.

Dr. *Lushington* assured the right hon. Gentleman there was not the least ground for any such alarm.

Lord *John Russell* said, that after what had fallen from his right hon. Friend, there could be no doubt upon the question raised by the right hon. Gentleman opposite. The words of the act were to the effect that after a marriage had been solemnized, it should not be necessary to give proof of residence. With respect to the bill proposed to be introduced by the hon. Member, he conceived there could be no objections at the present stage. He believed the case to be as the hon. Gentleman had stated, and that for some time after the act had passed, it was supposed that the law was actually as the hon. Gentleman now proposed to make it. He agreed with the right hon. Gentleman opposite in what he had said with respect to the validity of marriages, and trusted that the hon. Gentleman would consider well the definition of the word " near," whether it might not be taken to mean places within a certain distance. It appeared necessary that some limits should be fixed.

Leave given.

Qualification of Electors.—(Ireland).] Mr. *Pigot* rose to move for leave to bring in a bill to remove doubts with respect to the qualification of voters in Ireland for the election of Members to serve in Parliament, and to create a tribunal of appeal. The objects of the bill were; first, to ascertain and settle the law as to tenements to which the Irish Reform Act had annexed the franchise; and next, to assimilate it to a considerable extent to the law of this country. Doubts had arisen very soon after the passing of the Reform Act, which rendered it indispensable that the law should be settled. Differences of opinion had arisen among the originators of the law, and among those whose duty it was to carry that particular provision of the law into effect. Those differences continued to exist. That the construction which some had put upon the act, was against the intention of many of those who had taken a part in framing it, all that had passed in the recent debates abundantly proved—that the intention of the framers of the act had been frustrated, no one who had studied the act or attended to what had transpired in both Houses, could entertain a doubt. Indeed, the phraseology of the act itself suggested the impossibility of reconciling the construction which some had put upon it with the manner in which the act was framed. The act followed almost in terms the act which passed in 1829 for the relief of Roman Catholics. In that statute there were two distinct sections—the first describing what the claimants were to do, and the second describing what the judge was to do in examining the claims that came before him. The value of the property was to be tested by what a responsible tenant would pay over and above what was paid by the tenant. In the schedule to that act, there was the oath which it was incumbent upon the claimant to swear, and after swearing that he was possessed of the property in the manner required in point of possession, and that he was possessed of it in the manner required in point of occupation, there were these distinct words—" That a solvent tenant could afford to pay over and above," &c. Then in another part, there was the form of oath to be taken by the jury who were to try the value of the property, and that form was, that they should well and truly try whether he had value in the property in respect of which he claimed to the amount of 10*l.* 20*l.* or 50*l.* (according to the amount of the franchise), over and above the rent paid by the claimant. The Reform Act pursued in nearly the same terms the two sections of the act of 1829, and going through the very same expressions with respect to proving the claim, instead of directing that the claimant was to establish the value that a good solvent and responsible tenant could afford to pay over and above the rent actually paid, it was directed that the claimant should establish that he had a beneficial interest in the property according to that (the Reform) Act. And what was that beneficial interest? 10*l.* per annum. The act also retained the terms of the former claimant's oath with the exception of the passage he alluded to. In the act of 1829, the juror's oath was in distinct terms. In the Reform Act it was expunged, and no form was prescribed by which the question was to be tried by the jurors. When the law of franchise was submitted to a purely technical tribunal, it was impossible to tell the result, and that a constituency sending 105 Members to that House, should be left in a complete state of doubt and uncertainty with respect to the law, was a dishonour to the country, The bill he proposed to introduce, adopted a definition that had passed the House on two occasions. In 1835, it passed in the shape of a bill, which was not sent to the other House, and in 1836 it passed in a bill which was sent to the House of Lords, but which did not pass into a law. Now, by the bill recently introduced for England, a tribunal of appeal was proposed to be created of three barristers out of the fifteen selected by the judges. That was an experiment entirely new, and some doubts existed whether there should be a tribunal of a similar kind for Ireland. The laws of the two countries were almost identical, especially with respect to real property, out of which the franchise arose. He therefore proposed, for the consideration of the House, that two barristers be appointed who should sit in Dublin, and who should have the assistance of one of the three judges of appeal for this country, with a numerical majority controlling the decision of the court below. These were the chief points of the bill, which he trusted would meet with the approbation of the House.

Mr. *Litton* said, that the tribunal which the hon. and learned Gentleman propose to constitute appeared to be subject to all the objections that existed to the present tribunal of assistant barristers, and he would say, that the settled law of the land would be violated by the measure. The bill was an insult to the administration of justice. The title of the bill was to remove doubts with respect to the qualification of voters in Ireland, for the election of Members to serve in Parliament, and those doubts had been explained by the hon. and learned Gentlemen opposite to mean doubts as to what was the interest in the franchise which entitled men to be registered, and whether or not that interest was what was called a beneficial interest—that was what any man in his own fancy might imagine it to be worth, or whether it was such an interest as a solvent tenant would give 10*l.* more than the tenant was bound to pay. When he said the bill was an insult to the administration of justice, he heard some hon. Member exclaim "No." He, however, would say, that it was an insult, when the law of the land had been settled, for any hon. and learned Member of that House or for any government to bring in a bill the title of which characterised the law as doubtful. He would reassert, as a lawyer and Member of Parliament, that the law on the subject had been definitively and finally settled by the decision of ten judges to two; that the judge, when trying an appeal on a question of the value of a franchise under the Reform Act, was right in directing the jury to find whether a solvent and responsible tenant could afford to pay for the holding, fairly and without collusion, an additional sum to that which he sought to register for—namely, 10*l.* He was prepared to say that that was the case. He had the book, and the hon. Member for Dublin had mis-stated the case. The case was determined after two days' argument by counsel. It was true that Mr. Baron Richards and Mr. Justice Perrin chose to act on their own opinions upon the circuit, in opposition to the decision of the majority of the judges, and had rather brought censure on themselves than thrown doubts on the law. He must add that he disapproved of those assistant-barristers who had followed the same course. He did not rest merely on the opinion of the Irish judges; for Lord Chief Justice Bushe had written to Lord Denman, with a view of ascertaining what was the practice in England in respect of the minority of the judges being bound in their subsequent decisions by the opinion of the majority, and Lord Denman had returned a reply, which he would read to the House. [Lord *John Russell*: Read the letter of Lord Chief Justice Bushe.] The hon. Member read the letter accordingly, which, after stating what was the practice in Ireland with respect to reserved points in cases arising in the Crown courts on the circuit from the decisions of assistant-barristers, inquired whether it was understood in England that a judge would consider himself at liberty to rule on the circuit in opposition to the decision of the majority, and according to his original opinion. The hon. and learned Member then proceeded to read Lord Denman's answer, which was to the effect that each judge held himself bound by the opinion of the majority. Lord Chief Justice Bushe then called a meeting of the judges in Easter Term 1838, and it was resolved, by a majority of ten to two, that the learned judges in the minority were bound to adopt the opinion of the majority. Did hon. Members forget the recent case of Frost, where the same point arose, and where Lord Chief Justice Tindal, Mr. Baron Park, and Mr. Justice Williams certified to Lord Normanby that the decision of the minority was to be bound by the opinion of the majority, and that the point relied upon in the memorial that had been presented, that two of the judges named in the special commission were in the minority, made no difference whatever. Now, the question in the present case was, whether or not, the judges having decided the question, their decision was not the law of the land, and binding upon all inferior tribunals. Under these circumstances, although he would not divide the House against the motion for leave to bring in the bill, he thought it right to raise his humble voice against it, and to give notice that upon the fair and open grounds he had just stated he should feel it to be his duty to give a decided opposition, in all subsequent stages, to any measure containing such provisions as had been stated by his hon. and learned Friend, the Member for Clonmel. He maintained that the franchise in Ireland was at present clearly defined and settled—that no doubt or difficulty existed with respect to it, and that no Gentleman of that House—at all events, no constitutional lawyer, would be justified in bringing in a bill to declare that there was a doubt upon that which was the fixed and settled law of the land.

Sir *Denham Norreys* regretted to find that the qualification for voting was still to be left depending on opinion and not on fact. Whichever form of oath the Solicitor-general adopted, still the vexatious proceedings consequent on the proof would be left unremedied. Proof on oath of value would still be given—still to be met by proof on oath of the contrary. Landlords would still be arrayed against their tenantry, and the tenantry against their landlords. Why not, now that the country has been placed under the Poor-law Act, adopt some standard of qualification which should be a fact not capable of contradiction? It would be a boon to the country, which he hoped might originate with his hon. Friend, the Solicitor-General, if some measure were introduced, which should make the amount at which every man was rated, or the valuation of his property under the Poor-law Act, the standard of qualification, instead of the present uncertain and most vexatious system.

Mr. *Lucas* entirely concurred in the observation of his hon. Friend, the Member for Mallow, (Sir D. Norreys). He believed that the mode of testing the qualification by the beneficial interest of the tenant, as proposed by the hon. and learned Gentleman (Mr. Pigot), was a mode which that hon. and learned Gentleman himself would hereafter have the greatest possible reason to regret. In point of fact, it would permanently fix upon the constituency all the evils and mischiefs of which so many complaints were now made. He believed it would not be possible to make any definition of the qualification based upon the words "beneficial interest" capable of enforcing uniformity of decision. To remove this difficulty he begged to suggest that it would be better to take the ordnance valuation, the Poor-law valuation, or even a valuation by surveyors. If the bill were introduced in the shape described by the hon. and learned Member for Clonmel, he ventured to predict that when it came fairly before the House, the good sense and experience of the English Members would prevent it from passing into a law.

Lord *John Russell* had asked the hon. and learned Gentleman (Mr. Litton), who spoke immediately after his hon. and learned Friend (Mr. Pigot), to read the questions which had been put by Chief Justice Bushe to Chief Justice Denman, because he wished to know exactly what it was to which Lord Denman had replied. He gathered from the letter read by the hon. and learned Gentleman that Chief Justice Bushe asked Chief Justice Denman two questions—first, what was the course of the judges in England with respect to points reserved in Crown cases and criminal matters upon circuit? and secondly, what was the course in cases of appeal from the assistant-barristers? Now, with regard to the first of these questions, Lord Denman having consulted the judges, gave a very positive answer, which accorded with one lately given by Chief Justice Tindal. But with regard to the question of appeal, he could not conceive that Lord Denman gave any answer whatever to that part of Chief Justice Bushe's letter. Lord Denman left that point of the letter wholly unnoticed. That branch of the law which more immediately concerned the House of Commons never was brought by Lord Denman before the judges in any way whatever. Therefore he conceived that the hon. and learned Gentleman was hardly justified in attributing the weight that he did to the letter of Lord Denman upon the subject. He here must also repeat again his difference of opinion from the hon. and learned Gentleman, who seemed to think that the whole of these questions were to be decided by a majority of the judges in England and Ireland, whose decision was to be binding upon the rest, and that then there should be no appeal. He could not assent to that doctrine without asking the House to rescind several resolutions which it had come to at various times, asserting that it was proper to leave to the House itself the final decision of questions relating to votes given at elections. He apprehended that the intention of Parliament upon the subject was to be gathered from the interpretation placed upon the provisions of the Reform Act by those who concurred in recommending that measure to Parliament. He had already stated that the Duke of Richmond and the Marquess of Lansdowne had both of them distinctly declared in the other House of Parliament, that in altering the act of 1829 they wished to get rid of that provision by which a voter was obliged to swear that a solvent tenant would give him 10*l.* over and above the sum which he himself paid. But there was another authority. Soon after the Reform Act passed, there was a select committee of that House, who tried, upon their oaths, this question of the franchise. He alluded to the committee which met to try the merits of the petition complaining of the election for Longford county. Before that committee there were members of both sides of the House, but the majority was composed of those who generally sat upon the Opposition benches. They heard some very able arguments upon the question, and the end of their deliberations was, that the vote of Lawrence Farrall was a good vote, thereby placing on the poll the vote of a person whom the judges of Ireland would not allow to be properly qualified. They not only committed this insult, (to adopt the phraseology of the hon. and learned Gentleman) upon the judges of Ireland, but they proceeded to resolve that the property, whether freehold or leasehold, in respect of which a claim was made to vote, should be of the clear annual value of 10*l.* That was their general resolution upon the subject, entirely omitting the question of what a solvent tenant could pay. He considered that these omissions of the Reform Act, and this decision of the Longford committee, afforded quite sufficient ground for the House to say, that doubts existed upon the subject which it was absolutely essential should be determined one way or the other. He could not see, therefore, why the House was to be less ready to declare what should be the Parliamentary decision upon the subject—the question of the Parliamentary franchise being in the first place one of the utmost importance for the House to consider; and, in the next place, the power of resolving any doubts with respect to the value of any particular vote coming within those rights which the House of Commons had reserved to itself by the constitution of Parliament and the law of the land. With respect to the mode of resolving any doubt that might arise in relation to the right to vote, he apprehended that the only proper way of doing it was to introduce a measure based upon a principle that should be in conformity with what was intended by the Reform Act as the principle upon which the franchise should be determined. He thought that they stood upon good ground when they said that such and such was the original intention of the Reform Act—that many persons who were engaged in framing the measure declared that such and such was the intention of the Reform Act—that different opinions and decisions had since been given—and that, therefore, it was necessary by a new measure to re-establish that which was the original intention of the Legislature. If he could see that Parliament would be disposed, without reference to party, to establish the franchise upon a fair ground—a ground that would not diminish or take away, or in any manner abridge those franchises which it was the intention of the framers of the Reform Act to grant, he should be ready to lend his aid in framing such a measure and carrying it through Parliament. He could not say, however, that he had at present such an expectation upon the subject as would induce him to recommend his hon. and learned Friend to go further than he proposed to do. If, in the course of the discussion, it should appear that any such interpretation would meet with support, then the Government would be bound to bring it forward and to ask the House to adopt it. But he did not think it advisable to raise a question of the kind, unless there was some prospect of agreement upon the subject.

Mr. *Shaw* could not help protesting against some of the doctrines which had been put forth by the noble Lord who had just sat down. The noble Lord had spoken as if the intentions which the framers of a law had expressed before it passed were to be regarded in the construction put upon it by courts of justice; and the noble Lord seemed also to think that judicial tribunals were not to be bound by the decision of a majority of the judges. Such propositions surprised him, coming as they did from one so well versed in the constitution of this country as the noble Lord, and if they could be maintained, there would be no security whatever for uniformity or certainty of decision. He agreed with the hon. Member for Coleraine, that no doubt existed upon the question now before the House; he would not weaken the case by referring to Lord Denman's letter, but would rest his opinion upon the decision of the majority of the judges of Ireland. He had had some experience as a judge in an inferior court, and he would almost as soon decide in the teeth of an Act of Parliament as in opposition to a case decided in one of the superior courts of law. He could not agree with what the noble Lord had represented to be the intention of the Legislature with respect to the "beneficial interest" required by the Reform Act; but, however that might be, he contended that, Parliament having once passed a bill, and committed it to the legal tribunals of the country, it was not competent for them afterwards to say that the construction which had been put on it was inconsistent with the original intention of its framers. If the intention was not carried out, they might introduce another bill to alter it; but the construction put on it was certainly for the time being the law of the land. He had the greatest possible objection to this bill, as well as to the time and manner in which it had been introduced. Nothing could be more unfair, and, under all the circumstances of the case, more uncandid, than the mode in which two questions, wholly distinct and separate, had been connected together by the hon. and learned Gentleman. What was the leading objection taken the other night both by the noble Secretary for the Colonies, and the hon. and learned Solicitor-general for Ireland, to the bill of his noble Friend? It was, that his noble Friend had not introduced into his bill any definition of the beneficial interest. But the hon. and learned Gentleman, in introducing his own measure on the subject of registration, also omitted all reference to that subject; and engrafted what was strictly a registration regulation upon his franchise bill. Nothing could be more inconvenient. Again, the noble Lord put appeal into his registration bill, while the hon. and learned Gentleman kept appeal out of his registration, and put it into his franchise bill. This convinced him the more of what there could not be the shadow of a doubt, that neither of these bills were brought forward for their own sake, but simply with a view to impede the progress of the measure which had been introduced upon the same subject by his noble Friend, the Member for North Lancashire. The noble Lord might, perhaps, suspect that the franchise bill was not very likely to pass. Why, then, had the appeal, which was admitted to be necessary, been coupled with another measure to ensure its rejection? The appeal then would be left as at present, one-sided and unjust, an appeal against registration, but none against improper admissions on the register. To the proposition itself he had the greatest objection, because the assistant barristers were dependent on a vote of that House. In his opinion, the barristers should decide in the first instance, but an appeal to the judges was necessary, in order to give uniformity and fixity to the franchise.

Mr. *M. J. O'Connell* doubted whether the hon. Member for Coleraine had read the evidence given before the fictitious votes' committee; for questions were there put by Mr. Sergeant Curry, which showed how easy the net value, after payment of the tenant's expenses, could be ascertained. For himself, he should be glad if the suggestion of the hon. Member for Mallow were adopted, and some certain test of value established.

Mr. *Wakley* hoped the noble Lord would reconsider the question, with a view to adopt the recommendation of the hon. Member for Mallow, and that they would no longer hear it said, that Members obtained seats in that House by fraud or perjury. Was it consistent with the high bearing of the noble Lord, that he should come forward and say that he did not propose what was right, because it might not be adopted elsewhere? Let the right measure be brought forward, and then let those who raised the objection to such a proposition bear all the odium. He trusted that leave would be given to bring in the bill that night, but that it would not be introduced till clauses had been framed to meet the suggestion that had been made. If the franchise were to depend upon property of a certain value, it was right that the value should be clearly ascertained; it ought to be an admitted fact, and not founded upon the fanciful view of any party claiming the right, and as they now had a valuation in Ireland, made by parties who could have no object in giving a fraudulent or fictitious value, this was the time to adopt a definite valuation for the franchise. There seemed to be no objection to the proposal in any part of the House; they all seemed to agree, that if there was to be a property qualification it should be something that was seen, not only such a value as a person having the property might fix, but such as any indifferent person would acknowledge, and if that were the general feeling, surely the hon. Gentleman would adopt the proposal. The hon. Member for Coleraine had said, that when he looked at the title of the bill, he considered it an insult to the judges in Ireland, and from the serious tone in which the hon. Member had argued, he really seemed to consider that it was an insult to those learned persons; of course no one could prevent the hon. Member from putting his own construction on the language, but anything further from insult he could not conceive. The hon. and learned Gentleman said, also, that he believed there were no doubts about the qualification; and, at the same time, he told them that two judges pertinaciously adhered to their own opinions; that they would not be governed by the other ten, and that these two again and again decided contrary to the opinions of the others. Why, if this were so, it was clear that although no others entertained a doubt, at least these two judges had doubts, and the hon. and learned Gentleman knew perfectly well that those two judges had a perfect right so to act. The allusion which had been made to Lord Denman upon this point reminded him of what had lately passed in that Assembly. The House had decided judicially upon their own privileges, that same decision had been confirmed again and again, the question had been most ably argued, and the Members of the House had constantly decided judicially what was the law in the same terms. What did the minority of the judges sitting in that House do?—did they acquiesce in the decision of the majority? [*Laughter.*] The hon. Gentleman laughed, because he, being a lawyer, held that the House did not know how to decide what was the law, and like other paid barristers, who were paid for distorting the law, and turning truth into falsehood, and falsehood into truth, denied that hon. Members, whose duty it was to make the law, after making the law were capable of expounding it. After the Members, as judges, had decided again and again what was the law, did Lord Denman yield obedience to the decision? No. He still entertained doubts; and, therefore, he could not admit that Lord Denman was a good authority upon the question submitted to him, because he himself did not acquiesce in what had been judicially decided by a majority of the House. The learned Gentleman said, also, that the point of value had been argued by counsel for two days before the judges, and the hon. and learned Member laid great stress upon the two days; but he was astonished that the judges, after two days' argument by counsel, should understand anything about the question. It was known that the judges differed in opinion, that the decisions come to by the majority were not always continued without change; those on the bench at the time of one decision might give way to others who might think with the present minority; and that the decisions were not unfrequently reversed. If, therefore, there was doubt, it was the duty and the business of the Ministers of the Crown to come down to Parliament and introduce a bill by which the law should be made clear; if there was a doubt it ought to be explained, and the law made so plain that a child that could run might read it. That was the object of the hon. and learned Gentleman, and he thanked him for proposing this bill. But, then, the right hon. and learned Member for the University of Dublin objected to the bill, because it was brought forward at an improper time. Let him just apply the doctrine of the learned Gentleman to his own case in a matter of physic. The learned Gentleman would say, "I have had a variety of doctors in whom I have had the greatest confidence. I find that I have been treated improperly by them;" but on being told that he could be cured easily by another remedy he would say, "Aye, that may be—but, dear me, no; I cannot permit myself to be cured; the remedy does not come in proper time — I would rather continue to suffer the pains I endure—I would rather have the pains in the head and the stomach, than receive a remedy that comes at an improper time." He was glad that the Government had taken up the subject, and he hoped that they would adopt the recommendations that had been made, for he thought that the franchise ought to be clear and defined.

Mr. *Pigot* remarked that the hon. and learned Member had asserted, with great confidence, that there was no doubt about the law, but the very case to which he had referred afforded the most remarkable illustration of the doubt and difficulties of the law that it was possible to conceive. It occurred thus: a person appealed against a decision to the Chief Justice. The Chief Justice refused to put the oath which the Reform Act permitted to be put to the jury on the appeal, but directed the jury to act as if the oath had been put. Subsequently another judge in another case put the oath. The matter came subsequently before the Court of Queen's Bench. The Chief Justice was pressed with his own opinion on one side, and the practice of his fellows on the other; what was the decision that was come to? not the decision of ten to two, as to the solvent tenant? It was no such question. The question was whether the oath ought to be put. The four judges of the Court of Queen's Bench were unanimous, and one of the judges of the Court of Exchequer agreed with them, and the consequence was, that there was a division of five to seven to settle that one question; but on the next—whether the Chief Justice was right in directing the jury to act as if the oath had been put—three of the very judges who had given their opinion that the oath ought not to have been put on the second question, joined in deciding that the jury ought to act as if the oath had been put. Could he possibly point out a greater instance of the doubt and difficulty of the law? If three of the judges, who had declared with the minority on the one point, and with the majority on the other, surely two judges, of as high character as any on the bench, might be allowed to maintain their own opinions of what was the law. Reference had been made to the practice of reserving points of law in Crown cases in England; far be it from him to dispute a practice which time had sanctioned in England; but he would appeal to the learned Gentleman to state any authority for a similar reference to the judges in Ireland upon questions of the franchise. The Reform Act made a single judge the party by whom the appeal was to be decided, and he would be glad if the learned Gentleman would tell him where the Reform Act gave any authority for a reference to the twelve judges. He did not say that there was anything that did not warrant, by way of analogy, one judge, for his own satisfaction, taking the opinion of the others; but there was nothing in the act to sanction it, or to oblige the minority to submit to the decision; yet the hon. and learned Member for Coleraine had animadverted in strong terms on the conduct of those judges who did not think it right—any more than did Chief Justice Holt in the case of Ashby *v.* White —to conform to a majority of the judges sitting in a tribunal formed as a matter of convenience to the judges themselves, and for which there was no obligation either by the statute or at common law. Equally unjust and unseemly in the extreme were the learned Gentleman's expressions against the assistant barristers in Ireland. Against that attack, he would not condescend to defend them; their unimpeachable characters were their best shield, but it would have been rather better if the learned Gentleman, from his position in the profession and in that House, had abstained from making reflections upon those Gentlemen, which were entirely undeserved.

Leave given.

CANADA CLERGY RESERVES.] Lord *J. Russell* said, that in bringing before the House the question of the Clergy Reserves of Canada, he did not think it necessary to explain the various evils which had been produced in that place, owing to the unsettled state of the colony, or to the neglect which had been exhibited with regard to the lands reserved under the act of 1791, or the disputes which had arisen owing to the state of affairs in the colony. These circumstances were familiar to the House, owing to the discussions which had arisen in the course of the last Session of Parliament, and the correspondence which had been laid before the House. The only explanation, which he thought it would be necessary for him to give, was with regard to the present state of the question, in relation to the bill which he now proposed to introduce. The Governor-general of Canada, following the general instruction which he had received, thought it most desirable that a bill should be passed by the Legislature of Upper Canada, in reference to this subject, before the Legislature of the United Kingdom should consider it. It was found that while the strongest objections were entertained by one party to anything which did not give these funds to the purposes of education generally, on the other side there was a strong party who insisted that the revenues should be appropriated exclusively to the clergy. The Governor-general, however, proposed a scheme by which a division of the funds was made among the various denominations of Christians, in order to reconcile their contending interests, and to meet the views of the two parties in the Legislative Council. This measure was at once acceded to by that body, and it was one great reason for consenting to the proposition which he was about to make, that it had already obtained the assent of the Canadian legislative body. When the question came to be discussed whether the Royal Assent should be given to the Canadian Bill, doubts were stated by the Governor-general himself, when he wrote home, with regard to a portion of its provisions; and in reference to that part which bore some allusions to the statute of the 7th and 8th Geo. 4th, the House of Lords determined to put a question to the learned judges, whether the Colonial Legislature had not exceeded its authority? To that question an answer was returned that they had exceeded their authority, and it therefore became necessary to introduce a bill into Parliament, for the purpose of disposing of those questions, which it was desirable should be finally determined by the Parliament of the United Kingdom. It was most desirable to follow, as far as possible, the provisions of the act passed by the Colonial Legislature; but he thought, that in some respects some alterations must be made, although it was quite possible that the Assembly of Canada would not have agreed to the measure, if it had not contained those provisions which he proposed should be expunged. The general principle of the bill was, that the whole of the clergy reserves should be sold—that the proceeds should be vested in the Colonial Secretary—that one-fourth should be paid to the Church of England, one-fourth to the Church of Scotland, to be divided according to the census of the members of each Church, and the remainder to be given to the different denominations of Christians recognised by the constitution and by law. The learned judges were asked other questions, as to the original matter, and their answer went to declare, in the first place, that the term "Protestant clergy" did not apply solely to the members of the Church of England. These were very precise in the following terms:—

"In answer to the first question, we are all of opinion that the words 'a Protestant clergy' in the statute 31st Geo. 3rd, c. 31, are large enough to include, and that they do include, other clergy than those of the Church of England, and Protestant bishops, priests, and deacons, who have received episcopal ordination. For those words, which are first to be met with in the statute 14th Geo. 3rd, c. 83 (recited in the act now under consideration), appear to us, both in their natural force and meaning, and still more from the context of the clauses in which they are found, to be there used to designate and intend a clergy opposed in doctrine and discipline to the clergy of the Church of Rome, and rather to aim at the encouragement of the Protestant religion in opposition to the Romish Church, than to point exclusively to the clergy of the Church of England. And although the Legislature, in passing the statute 31st Geo. 3rd, appears to have had in its view the establishment of the Church of England, primarily, and in a more especial manner, as is evident from this, that the only detailed provisions for carrying the object of the act into effect are confined to the erection and endowment of parsonages and rectories according to the establishment of the Church of England, the presenting thereto incumbents or ministers of the Church of England, duly ordained according to the rites of the said Church, and the subjecting of them to all spiritual and ecclesiastical jurisdiction and authority, according to the laws and canons of the Church of England, which are lawfully made and received in England (sections 38, 39, 40, of the above act); yet does it appear to us that the Legislature, by employing the more general and comprehensive term, 'Protestant clergy,' in the same statute in which they also use the expression 'incumbents, or ministers of the Church of England,' must be intended to have included within the former and larger expression, other clergy besides those who are comprised within the limits of the latter. And when your Lordships desire the judges to state if any other clergy are included, what other? We answer, that it appears to us that the clergy of the established Church of Scotland do constitue one instance of such other Protestant clergy. * * * And although in answering your Lordships' question we specify no other Church than the Protestant Church of Scotland, we do not thereby intend that besides that Church, the ministers of other churches may not be included under the term 'Protestant clergy.' At the same time as we do not find on the statute book the acknowledgment by the Legislature of any other clergy answering that description, and as we are not furnished by your Lordships with any information as to the doctrine or discipline of any other denomination of Protestants to which the statute of the 31st Geo. 3rd can by possibility apply, we are unable to specify any other to your Lordships as falling within the statute."

He thought that that was as much as they possibly could say, it not being a matter within their jurisdiction to point out any ministers of religious denominations, who were not specified in the questions which were put, and which they had not before them at the time. So, it was clear, that their opinion was, that according to the spirit of the act, it might be applied, first, to the clergy of the Church of England, next to the clergy of the Church of Scotland, and next to those of other religious denominations, which they left to other authorities to define. Therefore, so far as the bill went, which had been passed in Upper Canada, providing for the clergy of the Church of England and of Scotland, and the other religious denominations of the Protestant faith, it might be said to conform to the spirit of the act of 1791, but it went beyond these denominations, and applied to the Roman Catholics as well, who, according to the opinion of the judges, were expressly intended to be excluded. The grounds which had existed for including the Roman Catholics in this bill, were those generally of reason and policy, and they were suggested by the fact, that the Roman Catholic clergy did not partake of the settled provision in Upper Canada, by virtue of the ancient laws of the French government. That was the first reason which had prevented their exclusion from the bill, and it was one which the Governor informed him generally prevailed in Canada, and he thought that, considering that the Roman Catholic clergy had always exhibited the greatest attachment to the Crown of England, and had shewn themselves to be exceedingly loyal, it would be an invidious and unjust distinction to draw, to exclude them from any new law which might be made. These reasons appeared to have prevailed in the province, and he did not know why they ought not to receive the consideration of Parliament. In making the proposition which he had laid before the House, he must say, that there were some very inconvenient clauses in the act passed in Upper Canada. That to which he had alluded first was a clause by which there was to be a commission appointed, by which a new census was to be taken from time to time; first, of the members of the Churches of England and Scotland, and next every four years of other religious denominations. It appeared to him, that if they wished to settle this question, it had better be settled once for all by some enactment which would include the whole subject matter;

but he thought, that the taking of this census would be likely to produce great excitement, and to create great rivalry also between the various denominations as to their respective numbers of followers, as well as its being rendered extremely inconvenient to ascertain to which denomination certain persons belonged. There were some other parts of the law which were rather objectionable on account of the doubt which must arise on their interpretation. He meant those which referred to the distribution of the amount produced from the sale of the reserved lands. It appeared to him to be much better, that with regard to the Church of England, there should be somebody into whose hands the money should be paid. In the Church of Scotland, there was a well known body by which it might be received, and with regard to the other denominations of Protestants, he proposed, that the Governor and the Executive Council should make the distribution. First, then, he proposed to confer the same power which Lord Ripon had before suggested, upon the Governor, which was, to sell and convey in fee simple any or all the lands called the clergy reserves in Upper Canada. Next, that the whole of these lands, or any funds derived from them should be chargeable with the payments which were now made, and which rested on the faith of the Crown, to the ministers of different religious denominations. By far the largest amount of these sums, amounting to 7,000*l.* was paid to the Church of England, although others were paid to those of different religious denominations. As far as the faith of the Crown went, the payments would extend only so long as the lives of the parties lasted, and when they ceased, he proposed that one-fourth should be paid to the Church of England, and the amount having been received by the receiver-general under a warrant of the Governor-general, it should be paid by him to the Society for the Propagation of the Gospel in Foreign Parts—a body having at its head the Archbishop of Canterbury, and being for this purpose perfectly competent and fit for the duties proposed to be cast upon it. The next fourth he proposed should be given to the Presbyterian synod representing the Church of Scotland and the other bodies of Presbyterians. With regard to the remainder, he proposed that it should be distributed to any denominations of Christians who had hitherto received any support or payment out of the revenues of the colony, or out of the casual or territorial revenues of the Crown, and generally for the purposes of religious worship, and the maintenance of buildings for that purpose. In the provisions of the bill, it would be almost impossible to define all the various religious denominations in existence. In the act passed by the Legislative Council, they were described as those religious denominations recognised by the constitution and the laws of the colony. As to the constitution, it appeared that the Churches of England and Scotland were only recognised, while as to the laws, it seemed that none were mentioned, except to enable persons of certain creeds to make an affirmation instead of an oath, or to exempt others from serving in the militia; because they had some scruples which prevented their taking up arms. He thought that these references, however, hardly furnished sufficient ground for payments being ordered to be made to any of the particular sects, and seeing the impossibility of obtaining any exact definition of them, and the Methodists and some others never having been defined or recognised in any act, he conceived, that it would be better to have this portion of the fund distributed by the Governor and the Executive Council. Of course, if these propositions should be adopted, the whole matter might be considered as finally settled. In proposing this arrangement, he wished it to be understood, that it was out of the question that they should invest either the Church of England or Scotland with any superiority over other sects. That would be totally contrary to the general feelings of the province, and the only question to be considered was as to the mode of distributing the funds. He believed, that the best way of doing that was to adopt the measure he suggested, which would avoid raising any new cause of discontent. The noble Lord concluded by moving for leave to bring in a bill to provide for the sale of the clergy reserves in the province of Upper Canada, and for the distribution of the proceeds thereof.

Mr. *Goulburn* said, that it would be of course useless to attempt to enter into a general discussion of the measure of the noble Lord now. He wished, however, to be informed whether the noble Lord intended the Roman Catholic clergy to be included in its provisions?

Lord *John Russell* answered in the affirmative. One-fourth of the amount was to go to the Church of England, one-fourth to the Church of Scotland, and the remainder to those denominations which had received any allowance before, which would include the Roman Catholic clergy.

Mr. *Goulburn* said, that the Roman Catholics had been held not to be included in the terms of the act of 1791. He begged to ask how it was, that the noble Lord proposed that they should form no exception to the provisions of his bill?

Lord *John Russell* stated, that the Crown would not have been advised to give the royal assent to the act, as the judges had given their opinion that the Legislature of Upper Canada had exceeded their authority. They did not now propose to explain the act of 1791; but were proposing new enactments as to the disposal of the clergy reserves. As to the question which the right hon. Gentleman asked, he begged to say that a proposition had been made as to regulating the sums to be appropriated to Roman Catholics, with others, that a census should be taken of the different numbers of religious denominations. To that he thought there was very great objection. It could not be supposed, that the Wesleyan Methodists were more numerous than the Roman Catholics; but all that was now proposed was, that the Roman Catholics should not be excluded.

Mr. *Goulburn* did not object to the Roman Catholic pastors being paid; but if a sum were assigned by an act of Parliament, he had a very great objection that any portion of that fund should be applied to a purpose for which it never was intended, and from the enjoyment of which, by the construction of the statute by the judges, the Roman Catholics were expressly excluded. He did not enter upon the discussion, but this was a matter of very great importance.

Mr. *Plumptre* hoped, that payment to the Roman Catholic clergy would be made out of some other fund than the clergy reserves.

Lord *John Russell* remarked, that there could be no doubt, that this fund was not intended for the Roman Catholic clergy, but this was not like a fund which had been regularly appropriated, for a great portion of this land was wild, and not useful for any purpose whatever. It was acting differently from the intention of the act of 1791. That act had not been successful, although, no doubt, it had been passed with a good and pious intention. But it was as competent for the House at this day to make the alteration proposed, as it would have been for the Legislature then to alter their own act.

Mr. *Goulburn* observed, that if they admitted this principle, it would apply to other lands in the colonies, that were not cultivated.

Mr. *Labouchere* remarked, that the line of argument used was calculated to excite an unfounded prejudice on this subject. Although the Act of Parliament did confine the proceeds of the clergy reserves to a particular purpose, yet in that act the e was introduced the almost unexampled provision, that the Legislature of Upper Canada should have power to alter this provision.

Mr. *Pakington* thought it so desirable, that this question should be set at rest, that he had no intention of opposing the bill at that stage of the proceeding. He did not, however, wish it to be understood, that he consented to the arrangement proposed by the noble Lord. He thought there was abundant means in the possession of the Roman Catholics of Lower Canada, to provide for the Catholics both in the upper and lower province.

Motion agreed to.

HOUSE OF COMMONS,

Friday, May 29, 1840.

MINUTES.] Bills. Read a first time:—Marriage Act Amendment.—Read a second time:—Church Building.—Read a third time:—Indemnity.

Petitions presented. By Mr. M. Philips, from 20,820 Females of Manchester, for the Total Repeal of the Corn-laws.—By Mr. Baines, from Bradford, by Mr. Busfeild, from persons engaged in the Coal Trade at Sunderland, by Mr. A. White, from persons employed in Manufactories in the county of Lancaster, by Mr. M. Philips, from several districts in the metropolis, and other places, by Mr. Villiers, Mr. Baines, Mr. Thornely, Mr. A. White, Mr. Brotherton, Mr. Ord, and others, from York, Bolton, Sunderland, and various other places, against Church Extension.—By Colonel Wood, Sir J. Y. Buller, Mr. W. Evans, and Mr. Codrington, from Gloucester, Isleworth, Derby, and various other places, for Church Extension.—By Mr. Lambton, from places in Durham, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Thornely, from districts in the metropolis, against the Copyright Bill.—By Mr. Wakley, and Mr. Ingham, from Dalkeith, against the Intrusion of Ministers.—By Mr. Burroughs, from a Widow in Norfolk, complaining of the oppressive nature of the Poor-law Amendment Act.—By Mr. Aglionby, from Lanark, against severe punishment for Seditious Libels.—By Mr. Ewart, from Halifax, and by Mr. Protheroe, from the Chairman of a Public Meeting in that town, complaining of the severe treatment of Mr. O'Connor.—By Mr. Sergeant Jackson, from a place in Ireland, against the system of National Education.—By Mr. Turner, from places in Lancashire, against Church Rates.—By Colonel T. Wood, from the Owners and Occupiers of Orchards and Fruit Grounds at Isleworth, Fulham, Chelsea, and Kensington, complaining of the Reduction of the Duty on Foreign Fruit; and from South Mims, against any further Grant to Maynooth College.—By Mr. Kemble, from Camberwell, to the same effect.—By Lord Clements, from Mayo, against Lord Stanley's Irish Registration Bill.—By Mr. Tennant, from Glasgow, in favour of the Copyright of Design.—By Mr. Fellowes, from Postmasters in Huntingdon, for the Repeal of the Duty on Post-horses and Carriages.—By Mr. Sergeant Talfourd, from Reading, for the admission of Foreign Fruit at the present Duties.—By Mr. Chute, from Norwich, against part of the Poor-law Amendment Act.—By Colonel Sibthorp, from the Grocers of Lincoln, against Restrictions on the Importation of Sugar.—By Mr. Hume, from the Fishermen of Stonehaven, and Montrose, against part of the Fishing Convention between France and England; and from Arbroath, against the Post-horse Duty.—By Mr. Lucas, from Monaghan, in favour of Medical Reform.—By the Earl of Lincoln, from a Board of Guardians in Lincolnshire, against the Continuance of the Assistant Poor-law Commissioners.—By Mr. Goulburn, from 39,000 Inhabitants of Lower Canada, against the Union of the Canadas.

ENGLISH CHURCH AT NAPLES.] Mr. *Cumming Bruce* begged to ask the noble Lord, whether he was aware of any impediments having been thrown in the way of the British residents at Naples to prevent their enjoying the advantages of a Protestant place of worship; whether, if so, those impediments were still continued; with whom they had arisen, and by whom they were so continued?

Lord *Palmerston* said, that the strictness of the laws opposed some obstacles to Protestant worship at Naples. For a long course of time, however, an apartment in the house of the consul-general at Naples was appropriated as a chapel for British residents; and when the office of consul-general was abolished, and a consul with a reduced salary substituted in his place, a similar accommodation was still afforded in the house of the consul. The room in his house, however, having been found too small, the British residents applied to the Neapolitan Government for permission to build a separate edifice as a chapel for public worship, and it was understood by them and the British mission that the Neapolitan Government had consented that such edifice should be erected, provided that its outward appearance should be free from anything calculated to shock or annoy the feelings of the Neapolitan inhabitants. Her Majesty's Minister and the British residents proceeded with some ceremony to lay the first stone of the intended chapel, but the Neapolitan government, acted upon by some other influence, took alarm, as he supposed, retracted their consent, and insisted that a stop should be put to the erection of such building. The British residents then, but without obtaining in writing the consent of the Neapolitan government, engaged a large room in the Palazzo Calabritti as a place of worship, which, however, when fitted up, the Neapolitan government would not permit to be opened, their consent not having been obtained. Hon. Gentlemen were not perhaps, aware, that negotiations were going on between the Neapolitan and British Governments, for the purpose of concluding a new treaty of commerce between the two countries. These negotiations had been suspended by the question of the sulphur monopoly, but, as that question would shortly be settled in a satisfactory manner, those commercial negotiations would be resumed, and the Government of this country would endeavour to come to an understanding with the Neapolitan government on the subject of freedom of divine worship by British residents at Naples.

Subject at an end.

GOVERNMENT OF CANADA.] Lord *J. Russell* moved the order of the day for going into Committee on the Canada Government Bill.

On the question that the Speaker do leave the chair,

Mr. *Pakington* rose, under feelings of greater anxiety and embarrassment than he had ever before experienced, to oppose the bill. Deeply sensible of the great difficulty and importance of the subject, he approached it solely through a paramount sense of public duty. He was not prepared to say, that at no future period the union of the Canadas might be practicable, but that at present such a step was both dangerous and impolitic. He should not, perhaps, have thought of adopting the course he was now about to take respecting the noble Lord's bill, had he not found, upon investigating the subject, that the views he entertained upon it were supported by some of the greatest and most illustrious statesmen that had ever adorned that House or done honour to the country, and by, if not all, a very large majority of those public officers, who, at various times, up to the present time, and under the present Administration, had held authority in the Canadas. In stating his views to the House, he would not be tempted to deviate into any lengthened comments upon the history of Canada during the last few years, or to dwell upon the various causes which led to the rebellion in that country—a rebellion which had created so much distraction and disturbance in Canada, as now rendered it imperative upon the Imperial Parliament to interfere to settle the affairs of that country. He would not infuse into his remarks more of party feeling than was unavoidable, for he did not approach the subject in any party spirit; but he could not avoid saying, that that rebellion was mainly to be attributed to the bad policy of her Majesty's Government. Had it not been for their false system of conciliation, their long-continued system of depressing the loyal, and encouraging the democratic and republican factions in that country—had it not been for the bad policy generally which her Majesty's Government had adopted in Canada—the rebellion, in his opinion, would not have occurred, and the distracted state of the country which followed it, would not now call for the interference of the Imperial Legislature. Entertaining these opinions, it could not be a matter of surprise, that he should view with suspicion and with distrust any measure brought forward by the Government for the settlement of those difficulties which had resulted from their own acts, and for putting an end to those disturbances which their own bad policy had created. At the same time, he must take leave to say, that in regard to this measure, he did not mean to impute bad faith or insincerity to the Government. He believed that the noble Lord, the Secretary for the Colonies, in introducing this bill, had acted in perfect good faith, and that the noble Lord was persuaded of the necessity and of the policy of the measure. He the more particularly wished to make that statement, because some persons contended, that the Canadas had arrived at that period when they ought no longer to be held as colonies—when they ought to be allowed to separate themselves from the mother country, and to establish themselves in independence; and because those who entertained these views considered that this bill would tend to effect that separation, and, therefore, contended, that it ought to be passed. He did not believe that the noble Lord, the Secretary for the Colonies, entertained such opinions, or that he was actuated by such an insincere and hollow policy. He did not believe that the noble Lord had introduced this bill with any such views, and he was most ready to admit, that the noble Lord was actuated by the same feelings on this subject as he was himself, and that he believed this measure calculated to effect the objects which he and every sincere lover of his country must desire to see effected. In legislating upon this subject, the great objects which ought to be kept in view, were, in his opinion, simply these:—In the first place, it was their duty to legislate for the internal happiness and welfare of the Canadas; and, in the second place, it was their duty to legislate for the maintenance of the connexion which existed between Canada and the mother country. There was another object which they ought also to keep in view, and in regard to which he hoped he might add, that the noble Lord would not differ with him in opinion, and that was, that their attention ought especially to be directed to promote the happiness and the welfare of the loyal and attached subjects of Upper Canada. In legislating for the Canadas these were the three objects which he thought ought to be especially considered, and he must say, that after mature deliberation, he had been obliged to come to the conclusion, that this bill of the Government would not effect one of these objects, but that, on the contrary, it would be fatal to each and all of them. His first objection to the bill of the Government was founded on the enormous geographical extent of Canada. It was with him doubtful whether it was possible to govern with advantage so large a country by means of one Executive and of one Legislature. Was the House aware that the length of Canada was not less than 1,500, 1,100, and 1,200 miles? Did they reflect that the extent of Canada was nearly as great as that of China—a country which had a population of upwards of 300,000,000? The length of Canada from east to west was nearly as great as that of the United States from south to north. The length of the boundary line of Canada was not less than 1,500 miles. Now, let him refer the House to the disposition which the people of the United States had shown on recent occasions to avail themselves of every disturbance which took place in Canada to destroy the connexion which existed between that colony and England; and he would then ask, whether it could be considered wise or politic to allow a country of such extent, and so near to a rival nation, to be exposed to those attempts, and to be left with only one Executive for its government? He could not think that such would be a politic course, and for himself he believed that it would be wiser to divide Canada into three, and to have for the administration of its affairs three governments, rather than unite the provinces under one executive and one Legislature. But there was one other fact in connexion with this part of the subject to which he wished to call attention. For one half of the year the different parts of Canada were almost inaccessible to each other, and the communication betwixt them was almost completely interrupted. The lakes were frozen over, as well as the roads broken up, and if there was to be only one legislature, the members, in many instances, would be unable to attend. Disturbances, too, might break out in the distant parts of the country, and if there was but one executive, the greatest difficulties would be felt in carrying into effect the measures necessary for their suppression. On this part of the subject he begged to refer to an authority whose opinions he was sure would be received with deference and respect on both sides of the House. He alluded to Chief Justice Robinson. In the pamphlet which Chief Justice Robinson had published, and in which he strongly protested against the union of the two provinces, it was said—

> "No person who, like myself, has been for nearly thirty years traversing annually a large portion of Upper Canada, can possibly persuade himself that the great ends of civil government—safety and convenience—can be reasonably provided for under such an arrangement. If it be attempted, the change cannot last. The inconveniences to which it would give rise could scarcely be overstated."

That was strong language; but, in addition to the testimony of Chief Justice Robinson, he would beg to remind the noble Lord the Secretary for the Colonies of a despatch of August, 1839, from Lord Seaton, in which the union of the provinces was not less emphatically condemned. In a despatch dated August 19, 1839, Lord Seaton said—

> "I should further recommend that the governor or viceroy be empowered to appoint a deputy-governor to reside at Toronto, and form an executive council to transact the business of the districts to the westward of Midland District, under special instructions from the governor or viceroy."

He would not enter upon the question whether the plan thus recommended by Lord Seaton was or was not an inconvenient one, but from what that noble Lord had thus expressed to the Government, he contended that he was at liberty to draw the inference that in the opinion of Lord Seaton the greatest inconvenience would arise, in consequence of the enormous geographical extent of Canada, if that country was united under one government. He believed there was not a parallel in the history of the world of one colony of such an extent existing under one executive. He believed, that with the exception of Russia and China, there was not an independent kingdom of such an extent ruled by one executive as the colony of Canada would be were it united under one government. He thought, therefore, that the House ought to pause and to consider the matter well before it gave its sanction to this bill of the Government, by which the two provinces of Canada were to be united. It was impossible to overrate the importance of the question on which they had to decide. That question was, whether, looking to the amount of the population of the colony, and comparing the numbers of the two races by which Canada was inhabited, and whether, remembering the feelings by which those races were actuated, and the recent events which had taken place, and by which the colony was still distracted, and whether, considering the nature of this bill, it were possible a union (effected as was proposed) could, under all those circumstances, be conducive to the welfare, the happiness, and the prosperity of the people. Could they, under all those circumstances, expect to have an united legislature so constituted as to be able to carry on the government of the colony with advantage to Canada, and in such a manner as to maintain unimpaired the connexion of the colony with the mother country? That was the question on which they had to decide, and a more important one could not engage their attention. In considering this part of the subject, he was sure the House would permit him to refer to the high authority of Mr. Pitt. In 1791, when Mr. Pitt was advocating the separation of the two provinces of Canada, which the Government now proposed once more to reunite, that great statesman in one of his speeches said—

> "If the province were not divided, there would be only one House of Assembly, and, there being two parties, if those parties should be equal, or nearly equal, in the Assembly, it would be the source of perpetual faction. If

one of the parties should be much stronger than the other, the other might justly complain that they were oppressed."

Mr. Pitt had contemplated both branches of the alternative, and had shown, that whether one party predominated in the legislature over the other, or whether the parties were nearly balanced, the result would be equally at variance with the peace and prosperity of the colony. Let him remind the House, that the language of Mr. Pitt was far more applicable to the present times than to the times in which it was uttered. It was far more applicable to the existing state of parties in Canada than it was to the state of parties when the Act of 1791 was passed. Mr. Pitt had shown a remarkable foresight in the speech to which he had alluded, for his remarks were more applicable to the present time than to the days in which he spoke. Mr. Pitt had contemplated a future period when the British population would have greatly increased. In another part of his speech that great man said—

> "He believed there was such a rooted opposition of interests, that if there was a constitution consisting of a House of Assembly in which the parties might be nearly balanced, the consequence, at least for a long series of years, would be a great degree of animosity and confusion."

Such were the opinions of Mr. Pitt, and he hoped the House would next allow him to refer to the authority of Mr. Burke, whose language was still more applicable to the present state of things than even that of Mr. Pitt. Mr. Burke said—

> "An attempt to join people dissimilar in law, language, and manners, appeared to him highly absurd—to join, too, the conquerors and the conquered must give rise to much unpleasant feeling, and many invidious distinctions; he recommended that system of gorment which tended to promote the good of the individual and the public, in opposition to that which attempted to methodize anarchy."

Now, let him ask the noble Lord, the Secretary for the Colonies, whether he were not, by this bill, attempting to unite people dissimilar in law, dissimilar in language, and dissimilar in manners, an attempt which so high an authority as Mr. Burke had pronounced to be highly absurd? Was the noble Lord not attempting to join the conquerors and the conquered, and could the noble Lord expect, if he was successful, that that union would not give rise to much unpleasant feeling? When Mr. Burke uttered the language he had quoted, he had not spoken immediately after a period in which the opposing races had been engaged in strife. He spoke thirty years after the conquest of Canada had been completed. But what was the state of things now? One party in Canada was now to be considered in the light of discomfited rebels, and it was not thirty years since the two races were engaged in the most desperate struggles. The blood which had been shed was hardly yet dry, the fires which had been lighted for the destruction of property were hardly quenched; and yet they were now, and so recently after those struggles, called upon by the noble Lord to unite the conquerors with the conquered. Let them look at the amount of population of each race, and he should take the numbers from the statement of the noble Lord opposite. The population of Canada amounted to 1,100,000, and of that number the minority of French Canadians was about 450,000. Keeping those numbers in view, he would call the attention of the House to the opinions which had been expressed by Lord Durham as to the character and feelings of that minority. Before doing so, he wished, however, to state that he did not consider the authority of that noble Earl as one on which much confidence could be placed. He regretted the mission of the noble Earl to Canada, and he considered that mission unfortunate for Canada, unfortunate for England, and unfortunate also for the noble Earl himself. The report of the noble Lord he looked upon as containing a tissue of misrepresentations. That such was the case was not matter of opinion. It was the fact, for it had been refuted in every important particular to which it related, and he should, therefore, cite the authority of the noble Earl with caution. The only part of the report which was to be relied on was, he believed, that portion of it which spoke of the feelings of the two races in Canada. Before referring to the report, however, he wished to call attention to a despatch written by Lord Durham to the noble Lord opposite, and dated the 9th of August, 1838. In that despatch the noble Lord said—

> "The first point to which I would draw your attention being one with which all others are more or less connected, is the existence of

a most bitter animosity between the Canadians and the British, not as two parties holding different opinions and seeking different objects in respect to government, but as different races engaged in a national contest." (Again)—"And the sentiment of national animosity has been aggravated to the uttermost, on both sides, by that excessive inflammation of the passions which always attends upon bloodshed for such a cause."

In the report, the noble Earl said—

> "Nor do I exaggerate the inevitable constancy any more than the intensity of this animosity. Never again will the present generation of French Canadians yield a loyal submission to a British Government. Never again will the English population tolerate the authority of a House of Assembly, in which the French shall possess, or even approximate to, a majority."

Now, was this, he would ask, a true account of the feelings of the Canadians towards each other, or was it, like the rest of the report, utterly without foundation? For himself, he was disposed to think that it was a correct description of the feelings which existed; and, if it was a correct account of the feelings of the French Canadians, could it be just or politic, he would ask, to unite such a people as an incumbrance to the loyal subjects of Upper Canada? He sincerely trusted the House would not consent to such a union when it would only be productive of the bitterest animosities. The comparison of numbers, however, was, in his opinion, a fallacious test of the merits of the case, and it was one which ought not to be relied upon. The disaffected were not yet driven entirely from Upper Canada. Had the hon. Member for Kilkenny no friends still remaining in the colony? Before the recent disturbances, the hon. Member had many friends in Upper Canada, not a few of whom had run away from the province in order to avoid the most unpleasant of all sudden deaths. But, notwithstanding that pacification, there were many persons in that province still opposed to "the baneful domination of the mother country." On this point, he begged to refer the House to the authority of Sir George Arthur. In a despatch, dated the 2nd of July, 1839, Sir George Arthur said—

> "I have all along informed her Majesty's Government, that it is absurd to think of Upper Canada as containing a whole community of loyalists. There is a considerable section of persons who are disloyal to the core—reform is on their lips, but separation is in their hearts. These people, having for the last two or three years made 'a responsible government' their watchword, are now extravagantly elated because the Earl of Durham has recommended that measure."

Here was another proof of the truth of the character which he had given of Lord Durham's report, which was still working out the greatest mischief in Canada. Let him ask, if any man could doubt that that minority of disloyal subjects to which Sir George Arthur alluded would return their representatives to a united legislature, or that those representatives would make common cause with the French Canadians, who were hostile to the connexion with the mother country? Could it be doubted that those representatives would unite with the representatives of the French race, and that they would ever be found ready to urge forward the most democratic measures? In following out this particular line of argument, let him ask if there were not ample grounds for the dissatisfaction of that minority according to their particular views of the case? What were the grounds alleged for the rebellion which had so recently taken place in Canada? They were the following, and he would appeal to the hon. Member for Kilkenny for the correctness of his statement. The first complaint was the want of what they termed a responsible government. In the second place, they complained of the constitution of the Legislative Council, and demanded that it should be made elective. In the third place, they required that the total revenues of the colony should be placed under the control of the Legislature of the province. Now, was the noble Lord, the Secretary for the Colonies, prepared to grant those demands? No; the noble Lord, in a recent despatch, had refused every one of them. He had refused what was called a responsible government, or to place the whole revenues under the control of the Assembly, and by the present bill the noble Lord had refused to make the Legislative Council elective. No less a sum than 75,000*l.* per annum was put by this bill out of the control of the local legislature altogether. He gave the noble Lord great credit for withholding all these concessions. But would not the refusal produce its results in Canada; and would not the three old grounds of discontent be revived? He would not speculate on the dissatisfaction which existed in these colonies, but he would take the

House of Assembly to be reconstituted in this present year, and he would ask the noble Lord, whether there was any man alive who could be certain that the first House of Assembly convened under this bill would contain a majority in favour of British connexion. He believed it to be impossible for any man to take it on himself to speak with certainty upon this subject. Sir G. Arthur said, in a despatch dated the 15th of October, 1839, that

> "The Republican party had become much revived of late, and that the loyal party were so jealous of any measure that would give an ascendancy to their opponents, that it was impossible to act with too great caution. The country needed peace; and it was of great importance that a body of loyal emigrants should go over to Canada from this country, that so possession might be secured before important legislation began."

There was one other authority with which he begged to fortify this position, and he entertained a deliberate opinion that he could refer to none that was entitled to greater weight in that House—he alluded to the authority of Sir Francis Head. Great as were the public services of Lord Seaton, he (Mr. Pakington) believed that the people of this country were mainly indebted to the great moral struggles of Sir Francis Head for the fact, that Canada was at this moment an integral portion of the British dominions. Sir Francis Head had all along expressed the strongest opposition to the project of uniting the two provinces — a project which he said he felt convinced would be attended with the most dangerous consequences. He would now call the attention of the House to two extracts from despatches lately transmitted by Mr. Poulett Thomson. In the despatch with which the right hon. Gentleman sent over the Clergy Reserves' Act to this country, he said, that

> "To leave this question of the union of the provinces undetermined would be to add to the sources of discord already existing, a new element of strife; for among the various evils existing in Lower Canada there was one now wanting—namely, religious dissension."

Again, in a very recent despatch, in which he sent over the ordinance respecting the seminary of St. Sulpice, he said—

> "Hitherto the province has been free from religious dissensions, but I have observed with regret during the late discussions a spirit of intolerance which cannot fail, if continued, to have the worst effects."

Let him ask whether it were meant to add to the division of parties existing in Canada, a frightful source of religious discord? The great majority of the population of Lower Canada had been hitherto Catholic, while that of Upper Canada was Protestant. By the union of the two provinces, they would produce as nearly as possible, an equipoise, and thus introduce a certain source of animosity—of that bitter religious discord which, looking to the great wealth of the Catholic Church in Lower Canada, and to the comparative poverty of the Protestant Church in Upper Canada, as well as to the increase in the wealth of the Catholic Church in the lower province, arising from the recent ordinances connected with St. Sulpice, would probably lead to the utter destruction, and would at all events be productive of the utmost injury to the Protestant church in Canada. This was another grave consideration against the union of the two provinces. In confirmation of this view he would read the protest against the proposed measures which had been entered on the journals of the Legislative Council by the Bishop of Toronto. It was as follows:—

> "Because the union places the Protestant population of both the Canadas under a Legislature virtually Roman Catholic, and with an injurious, unjust, and unconstitutional distinction—viz., that while the rights and temporalities of the Church of Rome are secured by law against all attempts from local authority, those of the Church of England are continually liable to be interfered with by the united Legislature."

This was the testimony of an individual of the highest character, and of long experience in that country, and no one was more competent to form an accurate opinion. He could not dismiss this subject without adverting to some of the arguments which had been adduced by the supporters of the measure. One of the noble Lord's arguments was, the necessity of watching over the interests of the loyal British population of the lower province. No one was more alive to this consideration than he (Mr. Pakington) was; but still he contended that the interests of these individuals were identified with those of the province generally, and that whatever remedy Parliament might think proper to provide, the loyal inhabitants of the lower province would readily concur in. Another argument was, the alleged necessity of restoring the representative system. No one was more anxious for this than he was. But, as its restoration at the present moment would be exceedingly dangerous, he held it to be their bounden duty to withhold it. Another most important point was the mode in which the Government distributed its patronage. Who was unacquainted with the gallantry of Captain Drew, exhibited at a most critical period? Yet he had been treated with utter neglect by the Government. As to the appointment of Mr. Robert Baldwin to the office of Solicitor-General, he would say nothing against that individual; but every one knew the position which he had occupied at the breaking out of the rebellion in Upper Canada. As he was opposed to the immediate restoration of the representative system, he might be told, that since he objected to this, he ought to point out some other course. Now, he did not hesitate to state, that, in his opinion, the far better course would be to annex Montreal to the upper province, and to govern Canada according to the constitution of 1774 by the Governor and Council, not permanently, but until the English language shall have been learned, English laws adopted, and the population so far modified as to be prepared for a participation in the privileges of the British constitution. Many of those who were most conversant with the affairs of Canada were disposed to think it the best mode of meeting the case. He now came to that argument in favour of the union which had been more dwelt on than any other—namely, that the Canadians themselves were in favour of this project. This had been urged during the brief discussion on the second reading of the bill. If the Canadians' opinion had been so expressed, it would be, undoubtedly, entitled to great weight; but he did not believe that such was the fact. The petition which had been presented that evening by the right hon. Gentleman, the Member for the University of Cambridge, was signed by nearly 40,000 inhabitants of Lower Canada, and was against the project of union. In fact, he believed that the Lower Canadians were entirely opposed to this union. It was impossible to leave out of the calculation so important an element as this. But neither were the inhabitants of Upper Canada unanimously in favour of the union. He did not believe there was a shadow of a doubt that public opinion was greatly divided upon this subject in the upper province. He would now turn to the feelings of the Legislature, because in the lower province no great weight could be attached to the opinions of the special council. At the time that they were consulted there was not more than one-half of them assembled, on account of the impracticable state of the country. Passing, then, to the Legislature of Upper Canada, the House of Assembly had now sat for upwards of four sessions: during every one of these sessions they had turned their attention to the subject of an union. In 1837 the Legislative Council and the House of Assembly concurred in a general address against this project. The governor's answer was:—

> "Her Majesty's Government does not consider the union of the two provinces a fit matter to be recommended to the consideration of Parliament."

In 1838 the Legislative Council of Upper Canada again drew up a very able report deprecating the union; and the House of Assembly, also, he believed, drew up a similar report. In 1839 the subject was again taken into consideration by the House of Assembly, who agreed to the project under certain conditions. In 1840 they again consented to the union, and, the conditions having been rejected by her Majesty's Government, they passed an address by a considerable majority, in which were laid down as the conditions the very same terms to which the Government had before refused to accede. The first condition was, that the seat of government should be in the upper province. He must say, that the course which had been adopted by her Majesty's Government in reference to this matter was neither ingenuous, wise, nor politic. They knew the importance which the House of Assembly in Upper Canada attached to this point, yet they cautiously avoided any mention of their intentions. He did think that he had a right to ask the noble Lord to state what was really the intention of her Majesty's Government. Mr. P. Thomson had held out that the seat of Government might be one year in one province, and the next year in another. This was a system which it would be utterly impossible to carry into effect. Justice Robinson had said:—

> "To remove the seat of government wholly from Upper Canada would not only be contrary to the declared sense of the legislature of that colony, but it would be laying the

foundation of certain discontent, and that to a degree that could hardly be exaggerated."

If they insisted upon fixing the seat of government at Montreal, they would be withholding from Upper Canada the leading condition from which its inhabitants had never departed. It was his opinion that grave doubts might be entertained whether Mr. Poulett Thomson had not availed himself of the means which his position as Governor-general gave him to obtain a forced consent to this proposed union from the legislature of Upper Canada. He thought that he was perfectly justified in saying that we could not consider the indication given by the legislature of that province as a proof of its voluntary assent to such a measure. In proof of that position, he would not refer to the pamphlet of Sir F. Head, on which he had already expressed an opinion, but to the speech which had been delivered last year by an able and distinguished public officer of Upper Canada, Mr. Hagerman, on this subject. Speaking of the union of the two provinces, Mr. Hagerman then Attorney-general, said :—

> "So strongly do I feel the fatal consequences of this measure, that were I permitted to approach my gracious Sovereign, I would on my bended knees implore her Majesty to withhold her assent from it."

And yet, after that speech it now appeared that Mr. Hagerman felt it incumbent upon him to give his assistance by his vote to carry that union into effect. Mr. Sullivan had also made a speech last year against this union of the two legislatures; but this year he had discovered reasons which induced him to support it. What construction could he put upon facts like these, except that Mr. P. Thomson, as Governor-general, had used very strong measures to overcome the resistance which these gentlemen had intended to offer to this proposed union? He would merely remind the House, that Chief Justice Robinson in his pamphlet, the Bishop of Toronto in his protest, and Mr. Hagerman as a member of the colonial legislature, had all recorded their strong objections to this measure. He had now announced the grounds on which he objected to the measure proposed by her Majesty's Government, and in consequence of which he felt it to be matter of duty to meet this motion with his most decided opposition. He had endeavoured to show that the geographical extent of Canada was so great, that it could neither be useful nor beneficial to govern the two provinces which composed it by a legislative union; he had endeavoured to show that the discordant materials which must meet in an united House of Assembly were so numerous, and so various, as to afford no reasonable expectation that the new Legislature could act harmoniously together; he had endeavoured to show that the religious effect of the union must create a fertile source of discord and animosity, and must ultimately be productive of great injury to the Protestant church in that country. He had endeavoured also to show that there was no adequate necessity for incurring the risk of so dangerous an experiment. Under these feelings, if he stood alone, he should persist in his amendment, supported by a feeling of public duty honestly discharged, and by the satisfaction which he should ever derive from having recorded his opinion of dissent against a measure which he looked upon as the inevitable forerunner of discord and dismemberment. If on this subject he was in error, he had the consolation of knowing that he was in error with such great men as Pitt and Burke, and with some of the most competent and enlightened authorities that had ever been intrusted with the administration of Canada. He therefore called upon the House to pause before it gave its assent to a measure which he could not designate in any other language than that which he had already quoted from Burke,—namely, as a rash and dangerous attempt to methodize anarchy. The hon. Member concluded by moving as an amendment, that the House resolve itself into a committee on this bill on this day six months.

Mr. *Gladstone* concurring as he did in many points of the able speech which his hon. Friend, the Member for Droitwich had just delivered, and thinking, notwithstanding the opposition of those Gentlemen who were so clamorous for the division, that this subject had not met with all the attention which it deserved, and that the country was indebted to his hon. Friend for having done all in his power to obtain for it additional attention, and not being prepared to concur in his hon. Friend's motion, but, on the other hand, feeling himself bound to support the motion proposed by her Majesty's Government, felt himself called upon to explain the reasons by which he was actuated in following the line which he had thus chalked out. If hon. Members were considering in private what measure would be most expedient for the settlement of the government of the Canadas, it might be susceptible of doubt whether the union of the two provinces was in the abstract the best measure that could be adopted. That question, however, was not then before the House. The question before it was a proposition for the union of the two provinces; and it came before the House backed by great authority both on this and on the other side of the water. It came before the House backed on the other side of the water by the concurrence, not only of the Special Council of Lower Canada—a body to which he was inclined to ascribe more weight than his hon. Friend seemed inclined to give it—but also of the Legislative Council of Upper Canada and of the House of Assembly of that province. On the other hand, he had read the pamphlet which Sir F. Head had addressed to the House of Lords on this subject; and he agreed with his hon. Friend in thinking that the zeal, faithfulness, and ability, with which he had administered the government of Upper Canada, under circumstances of great difficulty, entitled his opinions to be heard with respect, and not to be received as they had been by a few individuals in that House—he did not allude to the noble Lord opposite, or any of his immediate supporters — with contemptuous cheers. The opinion of Sir F. Head was, that the assent of the inhabitants of Upper Canada had been gained to this measure by the inducements which had been held out to them by her Majesty's Government, and more particularly by the influence exercised by Mr. P. Thomson as Governor-general. He had himself no doubt that Mr. P. Thomson had exercised that influence, which Sir F. Head was accused of having exercised over the elections of 1836, to gain the support of the inhabitants to this union. He differed, however, on one point from his hon. Friend. On examining the records of Upper Canada, he could not find any proof that the assent of the council had been gained by the influence of Government. In looking, too, at the votes of the House of Assembly last year, he found that his hon. Friend had not been quite accurate in the description which he had given of them. He saw that in one of its resolutions the House of Assembly had declared last year that it could not accede to the union of the two provinces, except on certain terms, which it considered to be indispensable. It then stated what those terms were, and it now turned out that they were the very terms now conceded by her Majesty's Government. He must, therefore, think that this measure came to the House of Commons recommended by the vote of the Special Council in Upper Canada, and by the sanction and assent of the constitutional representatives of the people in Upper Canada. He had said before, that viewing this measure as an abstract measure, and speaking on it with hesitation and diffidence, and trembling whilst he touched the great interests involved in it, and using such lights as were in his power, he did not look upon it as the best measure that might have been produced. He thought that they could not anticipate from the Legislature which they were now providing for the united provinces, any long period of harmonious action in legislation. He was inclined to ascribe a great portion of the difficulties, but certainly not all the difficulties, which encumbered this part of the question, to the report of Lord Durham, and that not to the report of Lord Durham on the whole state of Canada, but on one specific point, which he would briefly mention. He concluded that it was easy to anticipate that when the united Legislature assembled, "responsible government" would be the war-cry, in which the French Canadians, and the British Republicans in the upper province would cordially unite. That lesson had been read to the people of the Canadas, by the report of Lord Durham. Lord Durham had passed censure very liberally upon the acts of all his predecessors in the government of Canada. He wished that posterity might not see cause to pass a kindred censure on the administration of Lord Durham; and he said this frankly in the absence of Lord Durham, because he knew that the noble Lord would be ably represented in that House by his hon. Friend the Member for Liskeard. Now, what was it that Lord Durham had said on "responsible government?" He had treated it as a claim, the equity of which it was impossible to doubt. He had blamed the French representatives of Lower

Canada for having directed their attention to objects comparatively unimportant, and had bestowed unqualified praise on the acuteness of the Liberal party in Upper Canada, because they had always maintained the necessity of having a responsible Government. Hon. Members must be aware that it was quite possible for him to quote largely from Lord Durham's report on this subject. In page 29 of that document, Lord Durham spoke of the control over the revenue, and of the attempts of the colonists to obtain a voice in the choice of those who were to superintend the destination of it. This was his language :—

> " The powers for which the Assembly contended appear in both instances to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory of government, who imagined that in any colony of England, a body invested with the name and character of a representative Assembly, could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature."

And again Lord Durham said—

> " The wisdom of adopting the true principle of representative government, and facilitating the management of public affairs, by intrusting it to the persons who have the confidence of the representative body, has never been recognized in the government of the North American colonies."

Lord Durham also said—

> " The Reformers of Upper Canada paid little attention to the composition of the Legislative Council, and directed their exertions to obtaining such an alteration of the Executive Council as might have been obtained without any derangement of the constitutional balance of power; but they well knew, that if once they obtained possession of the Executive Council, and the higher offices of the province, the Legislative Council would soon be unable to offer any effectual resistance to their meditated reforms."

He would now proceed to quote the authority of Lord Durham on another point—namely, on the importance of the question of the union of the two provinces to the securing a good and responsible government. In page 111, after recommending the union of the provinces, Lord Durham used this language :—

> " But while I convince myself that such desirable ends would be secured by the legislative union of the two provinces, I am inclined to go further, and inquire whether all these objects would not more surely be attained by extending this legislative union over all the British provinces in North America; and whether the advantages which I anticipate for two of them might not, and should not, in justice, be extended over all. Such an union would at once decisively settle the question of races; it would enable all the provinces to co-operate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself."

Now, in a British House of Commons, where we were familiarized to the name and practice of reponsible government, it might appear a strange thing for him to choose responsible government as a matter which he designated objectionable. In treating of responsible government as a matter unsuited to the condition of a colony, he was not advocating any doctrine peculiar to himself. Responsible government meant nothing more than an independent legislature. He was willing to be bound by the terms which the noble Lord had used in one of his recent despatches to the Governor of Canada; and in alluding to that despatch, he could not refrain from expressing his opinion, that the noble Lord had handled the subject of it with admirable good sense and clearness. The noble Lord had used this language—

> " The power for which a Minister is responsible in England, is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The governor under whom he serves, receives his orders from the Crown of England. But can the Colonial Council be the advisers of the Crown of England ? Evidently not, for the Crown has other advisers for the same functions, and with superior authority."

He admitted that the privilege which Parliament possessed in limiting the choice of ministers by the Crown was the security of every liberty which the people enjoyed. But if the Colonial Assembly possessed the same privilege, why was this called the Imperial Legislature ? He recollected well a speech made by a right hon. Gentleman opposite, some years ago, on the motion for a repeal of the Union with Ireland. The right hon. Gentleman said, that to talk of a permanent union between two countries each possessing an independent Legislature, was one of the most visionary ideas that ever entered the mind of man, and yet this self-same visionary idea was what the report of Lord Durham had recommended as the best means of perpetuating the union between Great Britain and her colonies. What would be, and what had been, the effect of this recommendation? Before the mission of Lord Durham, "responsible Government" was the cry of the party in the Canadas hostile to British institutions. It was considered a mark of disaffection to British supremacy, and the British Government had always treated it as such. But Lord Durham now said, that this cry was not only compatible with British connexion, but that it was the best means of perpetuating it, and, therefore, under the cover of seeking the best means of perpetuating British connexion, he had no doubt that the disaffected inhabitants of Canada would attempt, and ultimately effect, their schemes for severing that connexion altogether. Anticipating that we must not look for breathing time after this united Legislature was once constituted, and that we should be involved in angry feuds with the colony on the absorbing question of responsible Government, he was not over sanguine in anticipating advantage from the measure then before the House. But, he was bound to say, that he believed, that her Majesty's Government had been actuated by honest and patriotic motives in proposing it, and he knew of no other plan which was not more open to objections even than the present. In his mind, it required far other grounds than those now stated to justify their interfering in the war of parties on colonial subjects. He would never consent to our taking such a course except on grounds of imperious duty. The only instance in which that course had been taken (and he now alluded to Jamaica, but without any intention of alluding to the success of the interference), was one in which, rightly or wrongly, it was believed by hon. Gentlemen on his side of the House, that constitutional principle left them no option. But except such cases, he thought it most important, that in all our colonies, and especially in those of British North America, the House should present a united front, and when the difference between abstract plans was not very great, he thought large sacrifices should be made to preserve that united action. He was, therefore, fully prepared to vote for the project of the noble Lord, and though he thought, that in certain details it might be found susceptible of improvement in the Committee, yet, even if it remained unaltered, he could not say, that he thought it ought to be rejected by the House. It appeared to him, that the problem of the relations between the North American provinces and this country was altogether one of the most difficult and delicate ever submitted to any Legislature, because the question they would have to determine in a thousand various forms, and which would continually recur upon them, was this—in what manner, and how long, shall we maintain a connexion between societies which, though still politically one, yet are not socially one, but of which the original elements differ in many most important particulars? No one could look at the colonial laws respecting succession and distribution of property, the habits and employments of the colonists, their feelings with regard to aristocracy, and the principles entertained respecting national religion throughout our North American provinces, and fail to see, that there are great differences, original and inherent, in the elements out of which society is composed, which must render exceedingly difficult the regulation and the maintenance of the union between a country essentially aristocratic in its feelings and principles, as he believed England to be, and countries in which some of the elements of society certainly seem to tend towards democracy as their final consummation and development. It seemed to him, that the maintenance of our connexion with the colonies was to be regarded rather as a matter of duty than one of advantage. He could understand much better the doctrine, that there was a duty incumbent on Great Britain with respect to the colonies, than the doctrine of those who said, that upon the mere balance of advantages, or as a case of political necessity, we should maintain the connexion. He thought, that so long as we retained the colonies as receptacles for our surplus population, we remained under strict obligation to provide for those who left our shores at least what semblance we could of British institutions, and a home as nearly as might be like that which emigrants had left, and to which they continued to retain a fond attachment. Upon this ground he should always be glad to see Parliament inclined to make large sacrifices for the purpose of maintaining the colonies as long as the union with the mother country was approved of by the people of these colonies. But he conceived, that nothing could be more ridiculous, nothing could be more mistaken, than to suppose, that Great Britain had anything to gain by maintaining that union in opposition to the deliberate and permanent conviction of the people of the colonies themselves. Therefore he thought, that it should be a cardinal principle of our policy to regard the union between Great Britain and Canada, and her other American colonies, as dependent on the free will of both parties. He also thought it of great importance, that it should become thoroughly known and understood by the loyal people of those colonies, that we look to them as our fellow-labourers in the work of maintaining the present connexion, that they must not leave Parliament in the position of a mere imperial authority, imposing by force the yoke of British connexion on a reluctant population, but that they must be active and cordial co-operators, understanding that it is their part to contribute at least as much to the perpetuation of the union as Parliament could on its part. So long as the colonists testified their earnest desire to continue the connexion so gloriously evinced by the people of Upper Canada and other provinces, on the recent painful occasion of the rebellion, Parliament ought to grudge no efforts and no sacrifices for the purpose of maintaining the present relations; but that was the only essential condition on which the interference of Parliament should rest. He thought the chief practical difficulty which the executive Government would have to encounter, would be to determine between the real and permanent convictions of the people, and especially the well-informed part of the people, and those temporary clamours of a few, temporary delusions even of the many, of which the history of the colonies had not been without example, and the recurrence of which was, of course, a danger to be anticipated more or less in every society where there were popular institutions with a very extended franchise. It would also be a great problem of statesmanship at a future period, when those growing societies should have attained to such a degree of maturity as to be truly fit for self-government, to fix upon the period when the connexion with the parent state should be severed. But Parliament should make it distinctly known that they would not consent to interpret the clamour of a minority into the expression of the permanent conviction of the well-affected part of the population, and they ought to tell the loyal and well-affected people, that they should be our co-operators in the work of maintaining the union, and that on them we should rely as much as upon ourselves. He hoped he had now sufficiently explained the grounds on which he should give his vote in favour of the plan brought forward by her Majesty's Government. If there were any other project by which the difficulties that presented themselves to his mind could be evaded, then it might be his duty to resist the bill, but as there was no such plan, no other course was left to him. He was the more confirmed in it when he saw that such a person as Chief Justice Robinson, a man of long experience, of resolute character, and opposed in politics to the present Ministry, could offer in its stead nothing but a long series of alternatives, out of which he was unable to choose any one as best. Combining other testimonies with this, the only result he could obtain was, that the case was one which did not admit of easy and conclusive solution, that a choice of difficulties was the only prospect open to Parliament. Preserving a temperate and conciliatory policy, with united action in Parliament, establishing in particular, a liberal system of government, making non-interference the rule, and interference the exception, we should maintain at the same time, with a firm hand, the supremacy of the British Legislature, and its right to assert that supremacy, as well as to determine the cases in which it should be asserted, recognising therefore the necessity of having an executive unity throughout all portions of the empire, and consequently repudiating as one of the shallowest of all possible delusions the doctrine of responsible government as connected with the perpetuation of the union.

Mr. *C. Buller* had some objections to the details of this bill, but as the hon. Member for Droitwich had brought forward the general question by opposing the principle of the bill, he might be permitted to say that to that principle he gave his most cordial support, and he believed that the bill generally was framed in so wise and judicious a manner as to secure to Canada the advantages of good government, with all the prospects of advantage which might result from a union. He was glad when a great question, pregnant with the most important consequences to England, was brought before the House, that he could congratulate the House on the evidence of the honest determination of all parties to consider the question without reference to party interests, which was furnished by the speech of his hon. Friend who had just sat down. To be sure he must qualify the praise, as in duty bound, with regard to the compliments which the hon. Gentleman paid to Lord Durham, and those who acted with him. He must say that the hon. Gentleman had allowed a little too much party phraseology and perhaps personal party feeling to interfere with the judgment which he pronounced on the report of Lord Durham. He did not wish to enter into the controversy on the great and difficult question of responsible government there—that controversy was not to be settled there. The arguments of Lord Durham had been stated at great length, and he thought his hon. Friend would agree with him, that they showed no want of care or of consistency, and that there was no want of earnestness in impressing them. The question could not be fully discussed in that House, but he would say he wished his hon. Friend had paid a little more attention to things, and less to words. If he did so he would find that after all there was no very great practical difference between the supporters of that doctrine and those by whom it was denounced in unequivocal language. He believed that in his views he coincided with his noble friend Lord Durham. He was perfectly free, for his own part to say, that so far as practical results were concerned, he agreed as cordially in the despatch of the noble Lord, the present Secretary for the Colonies, as his hon. Friend opposite could possibly do. The Reformers of Upper Canada, who had been so much misrepresented—the Reformers of Nova Scotia—the popular party generally—the vast majority of the intelligent inhabitants of all the Colonies, had practically supported the doctrine of representative government long before Lord Durham approved of it; but when it was announced by him he never supposed that it could be affected by a change in positive law. Lord Durham merely announced the principle of responsible government, as that one on which the government of every country having representative institutions must be conducted. Word it in what way they might, either boldly and intelligibly like Lord Durham, say that if you hope to have representative government work harmoniously, you must carry on the executive by those persons who have the confidence of the majority of the representatives, or involve the meaning in the unintelligible vagueness which he must charge against his hon. Friend, in talking of maintaining unity between the imperial and colonial governments, and at the same time preserving harmony between them; in either case they would come to the plain common sense truth, that if they wished to govern any colony peaceably, they must govern it on principles and by men approved of by the people of the colony, and that otherwise the colony would be a scene of interminable confusion and anarchy, such as had followed every attempt to work representation without a responsible executive. Was he complaining, or did Lord Durham, in his report, complain of a system which had worked well? Did their presumption go so far as to find fault with institutions which produced perfect satisfaction, or to suggest improvements in colonial government, to bring it into accordance with any theory of government? On the contrary, Lord Durham said, that he did not find one government which worked well. He found in every one the hazard of collision between the executive and the representative, and he preferred to remove the evil by the same principle which common sense had led to the adoption of in England. He (Mr. Buller) had always said, that the union of the Canadas carried responsible government with it as a necessary consequence. It seemed to him to be indispensable, that if they collected the representatives of eleven hundred thousand people in an assembly, that they must necessarily exercise an influence over the executive government. It would be found necessary to bring the executive into harmony with the wishes of the people. In fact, responsible government, call it by what name they chose, was the necessary consequence of giving representative institutions to a large number of people. He need hardly advert to the denunciations which the hon. Member for Droitwich uttered against the report. Little argument, no proof, and great strength of language were the weapons which the hon. Gentleman employed. The hon.

Gentleman had complained of interruption from him. The only interruption was laughing when the hon. Gentleman delivered his opinions. He certainly thought, that when the hon. Gentleman came to denounce the arguments of a person occupying the position of Lord Durham, it would have been more in accordance with the modesty with which which he prefaced his observations—if in support of so much strong assertion he had attempted to offer something in the way of proof. His noble Friend's report was condemned by the assertion that it had not met with the approval of the hon. Member for Droitwich; but his noble Friend might console himself that it had met with the approval of sensible men of both parties, and of the majority of the colonists, even without the seal of the hon. Member for Droitwich. The hon. Member thought, that danger would result from the plan proposed by the bill. He should have very little respect for the sense of a Minister, who should propound a plan for the settlement of the North American colonies, and venture to say, that there could be no danger in its adoption. With the present discord between the two races, the power opposed to the Government on the frontiers, it was perfectly absurd to suppose that any change could be made without danger. But when a person came forward to oppose a plan like this—a plan sanctioned by almost every one who had practically considered the subject, with the brilliant exception of Sir Francis Head—a plan which was at the same time approved of by the Legislature of Upper Canada, by her Majesty's Government, and by the heads of the Opposition, he thought it incumbent on Gentlemen so opposing, to propose some plan free from danger. But the hon. Member for Droitwich had no plan but to keep up the present suspension of the constitution. Talk of the suspension of a popular government as compatible with a British population in Lower Canada! Immediately after the insurrection, and just when the British Government had protected them from the tyranny of the French race, the British population of Lower Canada hailed with gladness any measure, however arbitrary, that relieved them. But was it to be supposed, that that population would be contented to be governed by an arbitrary form of government? Would that population consent to have laws made for them, to have taxes raised, and their money spent, without their having a voice in the choice of representatives? Whoever supposed so, knew very little of the character of that population. He had some experience of their character, and he must say, with the utmost respect for them as a British people, that a more high spirited, and in consequence a more turbulent British born people he never knew in his life. He should have very little respect for persons of the English race who, under a bad constitution, exhibited no discontent. Talk of such a people submitting to arbitrary government without discontent! Did those who held such notions know anything of the character of the population in the eastern townships of Lower Canada, or of what race they were sprung? He had seen a curious letter, showing the proportions in a population of 800 men, who volunteered from a frontier town. Two hundred were Americans who had crossed the frontier; two hundred were native Canadians, but of American origin; and all had relations in America. The greater part of the remainder had recently come from the mother country, 150 being Irish. Was it to be supposed, that such people would long consent to be ruled by a Government in which they had no representation? He did not blame the present constitution of the Special Council. It was the lamentable consequence of the suspension of constitutional government. One practical evil of the Special Council was, that all power was necessarily placed in the hands of a few inhabitants of Montreal, and of other towns, and there was no representation of the country population. Did they suppose that the inhabitants of the eastern townships would submit long to such an arrangement? There was one thing which would have a peculiar influence in preventing it. He meant the interference of the present Government with local affairs. There was not a road or a bridge in the eastern townships for which they had not to go to the Special Council. The vast inconvenience of that alone would be sufficient to make the present system unendurable. Let it be recollected, that events might be near which would render it of the utmost importance that England could rely on that population. She would receive no co-operation while the colony was governed by arbitrary force. But it was needless to argue against the continuance of arbitrary goverment, since all parties agreed that it could not be maintained. It was certainly possible that in the united Legislature, the opponents of British connection might be in a majority. But if the opponents of British connection obtained a majority, upon what ground, with a majority of the representatives of the two Canadas opposed to British connection, could that connection be kept up? The hon. Gentleman had said, that he did not attach the slightest importance to the opinions of Lord Durham, and the only proof that he afforded that these opinions should not be respected was, that they did not agree with the opinions of the hon. Gentleman himself, nor with those of Sir Francis Head. But then, when the hon. Gentleman discovered a matter in which Lord Durham's opinion coincided with his own, he said that it was a point to which, on that account, they should pay the greatest attention. It had been said, that the French would never be reconciled to the British connection. He agreed so far in the opinion as this, that recent events had made such an impression on the present generation, that they could not calculate upon a cordial co-operation from them. He thought that so long as the French were in a majority in Lower Canada—so long as they indulged in the mischievous notion of a French nationality—so long they might calculate on an opposition from them to the Government. But then he appealed to those who had a knowledge of the French under an arbitrary form of government—he meant the French accustomed to the old form of French despotism—he appealed to those who knew the character of the Canadians, whether it was not correct to say, that as there were no people more inclined to make a bad use of success, so there were no people that would succumb more quietly, when a majority declared against them? When they once showed to the Canadians a British majority, who spoke the English language in the united Assembly, they would find that, from that moment, the French would abandon all hopes of nationality, and the instant they abandoned it, he believed that the only fear would be, that they might become the too pliant instruments of Government, rather than be prepared to oppose it. This bill provided for the welfare and security of a majority of the British race. But then the hon. Gentleman apprehended that the French would unite with the British against the supremacy of this country. He had seen no grounds for entertaining that apprehension. The past conduct of the British in Canada should be at least a defence for them against that imputation. But the simple argument was this—that every one who was favourable to the principle of responsibility in Government, must be an enemy to the British connexion. And in connexion with this assumption, he had heard language that ought not to have been used, applied to one most respectable gentleman. All such attacks, he affirmed, were the mere ebullitions of party misinformation on the subject. The hon. Gentleman opposite was the only one, with the exception of those connected with some two or three of the Toronto papers, who had ventured to make an attack on the character of Mr. Baldwin, the present Solicitor-general for Upper Canada. Now, on this point, he reverted to Sir Francis Head's pamphlet, not of this year—not that he held that he was bound to show that Sir Francis Head had any one consistent idea for two years; but then, when he came to speak of the character of others, it was right to say, that when Sir Francis Head, or others, sought to run down the character of Mr. Baldwin, and when Sir Francis Head lifted up his hands and eyes (meant in his pamphlet) against the appointment of Mr. Baldwin as Solicitor-general, then it was right to say, that it was only last year that Sir Francis Head had taken great pains to separate Mr. Baldwin (the son) from his father, Dr. Baldwin, and yet who was, he dared to say, a very respectable gentleman, although set down by Sir F. Head as very dangerous, because he had once known Mr. M'Kenzie, and was therefore supposed to be a participator in his schemes; but then as to Mr. Robert Baldwin, Sir F. Head declared that he was so moderate, and so unexceptionable a man, that he himself had put him into the Executive Council. Even of the whole party that were opposed to the family compact, it was universally admitted, that one of the most moderate and loyal was Mr. Robert Baldwin, and through the whole of the insurrection, and the troublous times that followed, not an aspersion was ever cast upon Mr. Robert Baldwin. The only fault to be found with him was this— that he was too sensitive, that he took alarm at the conduct of those with whom he had been before acting, and, instead of remaining to set an example to others, withdrew from public life; and therefore his own influence did not produce the excellent consequences that might naturally have been expected from it. Then there was another argument used by the hon. Gentleman against the union;—it was this, that it was not desirable, from the relative proportion of Catholics and Protestants in the province. But he would tell them that let them use what arguments they pleased, they could not alter those numbers; and whatever attachment hon. Gentlemen might have to their own religion, he begged of them to let the Canadians settle this question amongst themselves—let them not fling the horrid bone of religious contention amidst a community to which hitherto it was but little known. He entreated of the House not to introduce that topic amongst them—it was the only thing that could lead to disaffection, and he assured them that if they present this to the people of Canada as a religious question, they would put it in such a shape as would unite the people of Upper and Lower Canada against the British connection. If the union were to split upon that rock, it was a rock, which the folly of persons here would place in its way. He did not enter into all the details of this question, because it was impossible to prognosticate what would be the result of those details. There was, he had to remark, one great argument for the union, it would give a majority to the British population, it would constitute a legislature influenced by British feeling—it would create a general and a national spirit, and it would inspire the people with a confidence in the stability of their own institutions, and make them exert themselves for the maintenance of institutions of which they would feel proud. In no place had he ever seen a stronger feeling of nationality than in Canada—there pervaded throughout the strongest feelings of pride in their descent or connection with the British nation. From Nova Scotia to the extremity of Upper Canada, that feeling had been acted upon. It was a feeling that they ought to cherish, and it was a feeling on which they might rely. Instead, then, of acting as if they looked on such persons with suspicion, and by so doing, exciting their discontent, they ought to rely upon the nationality and loyalty of the Canadians of which they had given proof—and not give way to suspicions that he believed to be wholly imaginary. He had to add, that the plan before the House was not that which Lord Durham had proposed, for instead of the union of the two provinces, his noble Friend had proposed to unite the British provinces altogether. He was sorry to say, that this view was so large and so novel, that the government were to be excused for not immediately adopting it. What had been proposed by his noble Friend was the best of two alternatives—and then, if it were not possible to do that, to unite the two Canadas. This, however, was now the only practical measure before the House. He believed that the uniting of the two provinces would be followed by the union of all the other provinces. When Lord Durham was in Canada, he was waited upon by delegates from the different colonies, who agreed with him on this subject; and if his noble Friend had been allowed to continue in Canada, he was sure he would have made great progress before now in that union. Thinking that the present measure would lead to that union, he hoped that the House would come to the decision of adopting it.

Mr. *Hume* said, as it was his intention to vote for going into committee, he would not trouble the House at length. He would state, however, that resolutions had emanated from every county in Upper Canada expressive of their approval of the union. He understood, indeed, that the majority of the people had agreed to the union, in the belief that Lord Durham's Report, which held out the hope that a responsible Government would be conceded to them, would be adopted. Nine-tenths of the people of Upper Canada supported the union on that principle alone. He did not well understand the arguments of the hon. Member for Newark with respect to the governing power and responsibility divided between the colonies and the mother country. His complaint against the bill was, that it did not hold out that security to the popular branch of the Legislature, which had all along been promised. They were about to take from the people, by that bill, the management of their revenues. But he hoped in committee, the noble Lord would see the necessity of making an alteration on that point. There would be no security unless they gave to the people of both provinces a governing power, nor would they be able to keep those colonies much longer, unless they conciliated their good will. The colonies had always been a source of patronage to the Crown, and the civil list proposed by the present bill would be the means of extending it. If the noble Lord expected to keep the people of Canada in a state of tutelage by the present bill, he assured him he would be disappointed. It was better, however, that the attempt, imperfect as it was, should be made; and he should vote for going into committee, in order that the bill should be made perfect.

Mr. *Colquhoun* said, the hon. and learned Member for Liskeard had stated that if the Canadians were united, they would have a responsible Government. That was no very gratifying prospect for his side of the House. He would remind the hon. and learned Member, that Lord Durham had stated that a large section of the people in Lower Canada, namely, the French party, were filled with the deepest hatred towards the English nation. He would beg also to remind the House of a passage in Lord Durham's report, in which, speaking of the Reformers of Upper Canada, he said, they had a great desire to assimilate their institutions to those of the United States. Many persons said this was a most partial report. He did not say that, but merely that he had heard a report of Lord Durham's being partial to the Canadians. But what said Sir G. Arthur?—that he had all along informed the Government the Reformers of Upper Canada were unfriendly to this country. Was that party inconsiderable? Sir G. Arthur said it was very considerable, and that he was desirous of a police to penetrate the intentions of this hostile party. What said Lord Seaton? That in Lower Canada responsible Government was the watchword of every rebel, and Sir G. Arthur said the same of the Reformers in Upper Canada. He put it to the hon. Member, if this were so, what would become of the harmony of the united Legislature? But as the noble Lord declared through Mr. P. Thomson he was not prepared to concede a responsible Government, it was plain he would not do so unless he were compelled to it—therefore the hon. Member appeared to him to be looking to that numerous party in the Canadas, who would force this responsible Government. He took the hon. Member's own admission, and drew from it the conclusion that they must be prepared for an event which would produce the severance of Canada from this country. There was another remark to which he would advert, namely, that all these important improvements in the province would be suspended if they established such a preponderating majority in the assembly, as he feared they would by this bill. His hon. Friend adverted to the feeling towards the province that was manifested in the bill. He had, some time ago, held some conversation with a member of a large mercantile house in Quebec, and had asked him what were the feelings of mercantile men with regard to the proposed union of the Canadas. His statement was, that they were decidedly favourable to the union, and on being asked on what grounds they were thus favourable, he stated, as the petition which Mr. P. Thomson had sent home, stated, that they did not pretend to enter largely into political questions, but they were told by Mr. P. Thomson, a great authority on commercial matters, that if they agreed to the proposed union, it would lead to increased emigration, increased investments, and the improvement of the rivers, roads, and canals, that he had held out them the hope of the whole chain of these magnificent lakes being thrown open to steam navigation, so as to supply them with the produce, not only of one soil, but of Michigan and the United States, and of the whole of that mighty range.—[*Hear.*]—If hon. Gentlemen would wait a few moments, they should hear the rebound. He entirely agreed with all this, but his question to the Gentleman, and which he now put to the House was this: What security had they for a stable Government? What security had they, during these wretched squabbles about responsible Governments and attempts at organic changes, which the hon. Member for Newark told them would infallibly result, that the whole strength of the province would not be engrossed by them? Then what became of the stability of Government—of commercial improvement? — They would have a majority in the united Assembly who were called Reformers, or men desirous of responsible government, but whom he called republicans, but whether so or not, who would act on the same principles they had hitherto acted on in the local Assemblies;

they would put together these two parties, the French party from Lower Canada, and the Reforming party in Upper Canada, and he asked what would they do on those questions on which commercial enterprise hung? What would they do with regard to feudal tenures and primogeniture, until they got rid of which no improvement would be possible in these provinces? It was known the French party would not agree to their removal, but then the Reforming party would. Were they sure of that? Did they not know of compact alliances founded on the abandonment of certain principles to carry others into effect, or to keep certain persons in place? One part of the Reformed party in Upper Canada, were opposed to the law of primogeniture, while the others were in favour of it. Then could not terms be easily made between the two parties? "We will join you in destroying the law of primogeniture, and you shall join us in destroying feudal tenures? If the Government were sure of this, he hoped they would be provided for it. Now, what was the case with respect to emigration? There had been the strongest opposition both among the Reformers in Upper Canada, and among the French party against the introduction of emigrants in either province. Such was the state of the Legislative Council that they sought to place the Crown lands in Upper Canada under their own control, in order, as Sir Francis Head said, to purchase them cheap for themselves, and sell them again to others. With regard to the roads, there were certain parties in Lower Canada who agreed in the construction of roads. Lord Durham said, there was the most profligate jobbing on this subject, and that the money voted for that purpose served only to line the pockets of the Commissioners, or their political partisans. He found a provision in the bill, which was one of the most atrocious instances of jobbing he had ever heard of. It was that which created a District Council, which would consist of about thirty members, who were to have power to assess lands at what rate and to what purpose they pleased. Who could tell what serious consequences might result from this? Would not the infallible result be that which had been asserted—to swell the fortunes of political partisans, while the roads would be neglected. And if the object of the Reformers was assimilation to the United States, it seemed to him their natural course would be to obstruct all public improvements—to wear out all parties—to continue the struggle for a responsible Government between the assembly on the one side and the Government on the other, till all parties would agree at last, that it was the result of the baneful domination of the mother country, and desire to be separated from that which they supposed to be consequent on monarchical government, and take refuge in that which was first called responsible government, but would end in a republic aiming at last at complete severance from Great Britain. He confessed it seemed to him infinitely wiser to continue to Upper Canada, the Representative Government which now belonged to it to continue Lower Canada, as it was till they had identified the people, and improved them by education, had altered the tenures, and repaired the roads, canals, and rivers, and made them sensible, by these great commercial advantages, of the benefits they derived from the mother country, which, if they acted wisely, would not take long; that it would be an infinitely better and more statesmanlike course, to press on these practical improvements under the present Government, which, though it was called despotism, was no more so than that which was practised in the East and West Indies, than to urge them into a state which the hon. Member for Liskeard called a responsible Government, and the hon. Member for Kilkenny one of strife and disunion, but which he (Mr. Colquhoun) could look forward to with no other feelings than those of apprehension and alarm.

Viscount *Howick* said, the hon. Gentleman who had just sat down, had given them a conversation which had taken place between himself and a gentleman, who seemed, he thought, much better to understand the condition of the colonies than did the hon. Gentleman. He wished the hon. Member had felt the force of the arguments he had so well repeated, because when he came to what he was pleased to call the rebound of the argument, he confessed he was at a loss to feel the force of it. The hon. Member had offered some reasons against the measure now before the House, and having done so had proceeded to lay before them a plan of his own. He thought the objection to it was simply this—that no man who had taken the trouble to read the various papers which had been laid on the Table of the House could form any other opinion than that it was utterly and altogether impracticable. Neither Upper Canada nor Lower Canada would consent to the system of government the hon. Gentleman proposed. With respect to Upper Canada, he could not forget the existence of those differences which they were told continued to divide the people of the colony, and to induce them to seek union with the powerful republic near them. With respect to Lower Canada the case was still more striking. The hon. Member for Liskeard stated the utter impossibility of procuring the people of Lower Canada to submit to the continuance of the form of government which now existed among them, and when the hon. Member asked why, if they called it a despotism, they allowed such a system to exist in the East and West Indies, the answer was, that the inhabitants of those countries in their present state were unfit for any other. With respect to the measure before the House, he wished to make a few observations. He concurred in much that had been said by the hon. Member for Newark, and it did not occur to him, that if they were to consider in the abstract what would be the most desirable system of government in Canada, the union of the provinces would be, that which he should prefer. He admitted, that there was considerable force in the main objection urged to that union—for instance, the great extent of territory was a considerable objection. He considered, that the difference of race also was an objection to the proposed union; but this he believed, that no system of government could be proposed for these provinces which was not liable to still greater objections. If the French Canadians had pursued a more temperate course, if they had not broken out into absolute violence, if the unfortunate events of 1837 had not occurred, then he should have considered that this union of the provinces was not desirable, as being likely to force on the people of Lower Canada the adoption of British habits in a harsher manner than could be perhaps wished. Had the French Canadians, instead of having had recourse to measures of violence, trusted to the justice of the British Parliament, they would have saved themselves much suffering, and the future Government of the Colonies might have been provided for in a manner less distasteful to them. But it was now too late; after what had occurred there was no mode of restoring constitutional government to the colony, except by the erection of an Assembly, in which the French race should be in a minority, and the only fair mode by which that result could be produced was the one proposed by the present bill. Both the hon. Member who had just sat down, and the hon. Member for Newark, had stated, that they anticipated great difficulty in carrying on the mode of Government proposed by the bill, because it went to establish responsible government. On that point, he differed from both the hon. Gentlemen. He had observed, that throughout these disputes, great inconveniences had arisen, and great dissentions been created from the unfortunate use of general words, without any clear definition being given of their meaning. This had been the case as regarded both parties in Canada, but the principles laid down in the recent dispatch by his noble Friend would, he thought, go far to put an end to that evil. If by responsible government it were meant, that the Executive Government of the colony should be directly responsible to the Colonial Assembly, he was of opinion that responsible government so defined would be incompatible with the maintenance of Colonial Government. But he believed, that if the Government at home, as well as the authorities in the colonies, were to pursue a system of protective government, guided by a conciliatory spirit, and a desire to consult the wishes of the people, then such a form of government would answer the object that those who were loudest in their clamours for a responsible government had in view. The hon. Gentleman had said, that a great majority of the people, while they called for responsible government, were only anxious to throw off all connection with British Government. If the majority were desirous of throwing off the British connection, it would be impossible to carry on any government against the wishes of the great majority of the people, and even if it could be so carried on, it would not be desirable. If so large a majority were averse to any connection with this country, it was utterly unimportant what system of government we might establish there, or what sort of measure the House might pass; because, be that measure what it might, the result must be the same, and connection between the two countries must inevitably cease. But if this were not the case—if the majority of the people of those colonies, although, perhaps they were desirous of going much farther in the introduction of democratic institutions than the hon. Member or himself, or the House generally might be inclined to approve, were yet anxious that the connection between the two countries might continue—in that case, he believed, that the connection would continue to the certain benefit of this country, and of the colonies themselves. In carrying on the Government of Canada we must be prepared to give them a government differing in many respects from that which was established among ourselves, and we must exhibit a disposition to go to great lengths for the purpose of conciliating the people of Canada. He was disposed to agree with the hon. Member for Newark in the distinction which he had drawn between the passing cry of the moment and the deliberate sense of the people. When the deliberate sense of the people was ascertained it ought not to be opposed—and if that feeling were in favour of a more democratic form of government, he saw no reason why in the management of their internal affairs, the wishes of the people should not be acceded to as long as they did not produce a clashing with the authority of this country. He did not anticipate all the dangers from this measure which the hon. Member seemed to expect. It was bad policy when any portion of the people of a colony were desirous of any reform which we might deem it inexpedient to grant at once, to turn round upon them and say, you wish to separate yourselves from the mother country. When they imputed such ideas to persons who were asking for reform, it not unfrequently happened that the imputation itself was the cause of such persons ultimately entertaining the very ideas which, in the first instance, had been unjustly imputed to them. The fair mode of conducting such discussions was to patiently listen to the complaints of the colonists, to argue the point calmly with them, to state the objections to the proposed reforms; but let not either party impute motives to the other. Let the colony avoid accusing the Government of tyranny, and the Government avoid accusing the colony of the desire for separation. If colonial differences were discussed in this temper, they would find very few but what might ultimately be settled in a satisfactory manner. He greatly rejoiced to see the sound principle of Government adopted by his right hon. Friend who was now the Governor-general of those provinces. He was glad he had not adopted the tone of the hon. Member for Droitwich, and excluded from office every person who held opinions of which he did not altogether approve. If he had done so, every Gentleman must admit that it would be impossible to continue the connexion with this country. He was inclined to advocate a general oblivion of the past, although with regard to the appointment in question, he believed the statement of the hon and learned Member for Liskeard was perfectly correct, that the appointment of Mr. Baldwin was one which on no one principle could be disapproved of, but was an appointment which was perfectly just and fitting. He would not detain the House longer than to state that he entirely concurred in the bill of his noble Friend, which he anxiously hoped might pass into law, and from the speech of the hon. Member for Newark, he was happy to find that all parties concurred in a desire to bring this bill to a satisfactory termination, so as to put an end to those troubles which had too long afflicted that country.

Mr. *O'Connell* would only detain the House a few moments. His object was simply to protest against the bill. He would not wish to speak with anything like emphasis, but he protested against this bill because it contained two distinct principles of injustice—first, on the ground of the unequal representation of the people of Lower Canada as compared with the Upper Province. That portion which was the most populous had only the same share in the representation as that portion which was the least so. The second injustice of which he complained was a pecuniary one. Lower Canada was unencumbered. Now, by the proposed union, it was intended to spread the debt of Upper Canada, which was exclusively its own, over the entire of the united country. But the worst of all was, that they were about to do this without consulting the wishes of the people. It might be said that the Legislature of Upper Canada had consented, and so far they had the semblance of popular approval; but this was done at a most unfortunate time. The country had not yet recovered from the insurrection into which it had been plunged—he believed solely by the folly and absurdity of Sir Francis Head. So far from the preservation of Canada being due to him, as had been said by the hon. Member for Droitwich, he believed, if Sir F. Head had not been as destitute of common sense as any man who ever filled a public situation, they would not have had any insurrection at all. With regard to Lower Canada, they had had no assent whatever, as this measure had been brought forward at a time when there was no Assembly representing the people in existence. He much deplored the folly and wickedness of the Lower Canadians when they were in the possession of the Legislature, to resort to arms and appear in treason against the Crown, and, by treason, against the country, by open insurrection. The party who actually broke out into rebellion were deserving of the worst punishment; but the people were not all guilty, and he thought they had already been sufficiently punished by what they had suffered from that time to the present. He would briefly advert to Lord Durham's report, which, after giving every possible virtue to the French Canadians, stating they were a mild and benevolent race, possessed of good qualities as men and as Christians, recommending that they should be swamped by the people of Upper Canada, and annihilated as a people. They had not been consulted on this proposition of the Government, and the petition which had been presented by the right hon. Gentleman that evening was the only effort made by them to get their opinion expressed to the House. The consequences must naturally be disaffection, and a weakening of the tie between the two countries. He would say, restore the Government of Lower Canada before you carry this bill any further. They did not know what the effect of doing justice might be. He believed that his objections to the bill would be re-echoed throughout Canada. All the Canadians wanted was good government. The soil and climate was the same as that of the United States; an imaginary line only separated the two countries, and yet on one side of that line an acre of land was worth *5d.*, and on the other side it was worth 10*l.* The acre of fivepenny land was aristocratical, the acre of 10*l.* land was under democratic institutions. On the aristocratic side of the line was a desert, on the democratic a garden. Could they be surprised if the people, seeing those things were favourable to democratic institutions? Hon. Members talk of the dissension produced by differences of race and religion. On the other side of the line, the same differences existed without producing any dissensions. He would sit down protesting against the bill on the ground of its injustice.

Lord *John Russell* believed that the Government were under great obligations to the hon. Member for Droitwich, for having shown, on two occasions, that the decided sense of that House was in favour of the union of the provinces. On the first occasion, the hon. Gentleman had refused to go at great length into the question, but had stated his general hostility to the measure, and in the course of the short debate which had ensued, the right hon. Gentleman, the Member for Tamworth, had declared his intention of voting for the union. On the present occasion, the hon. Gentleman had gone at greater length into the question, but he had not produced such an effect upon the House as would induce them to accede to his views—he had, on the contrary, produced a speech from the hon. Member for Newark, more entirely in accordance with the plans and views of the Government than even the speech of the right hon. Member for Tamworth on a former occasion. The chief opposition to the present bill, in addition to that of the hon. Gentleman, had proceeded from the hon. and learned Member for Dublin, and he did not imagine that the hon. Gentleman opposite would concur in the views of the hon. and learned Gentleman on that subject. With regard to the first objection of the hon. and learned Gentleman, namely, that the representation was unequal, as compared with the population of the two provinces, his answer was that the representation was founded on the principle usually adopted on the American Continent, not the exact state of the population at the time the constitution was granted, but what it was likely to be in the course of a few years; because if this were not the case in a country possessed of large territory, and in which a considerable influx of people was likely to arrive—if it were not so based, the very injustice would be committed which it was wished to avoid. With regard to the debt, that debt had been incurred by Upper

Canada, at no gratuitous and unnecessary expense, or on charges for the sole benefit of Upper Canada; but in public works, which if continued from the upper province, so as to open a communication with the St. Lawrence, could not be considered for the sole benefit of Upper Canada or Lower Canada, but for the benefit of the united province. He would refer to the conversation narrated by the hon. Member for Kilmarnock, as to the value of those works; and he agreed with his noble Friend, that that was the only part of the hon. Member's speech in which he showed any acquaintance with the subject. The hon. Gentleman spoke with considerable ability, and he believed the only reason why he had not exhibited the same ability throughout in speaking on the subject, was, that the hon. Member had not studied it, nor paid any attention to it whatever. Had the hon. Member done so he would surely never have recommended the government of a portion of the continent of America in a manner suited only to a despotic government, and which would never be submitted to by Englishmen, who always, sooner or later, would, wherever they might be placed, insist on having the benefits of those institutions which they were used to have the benefit of at home. With regard to responsible government, having expressed himself upon that subject so decidedly on another occasion, he did not deem it necessary to say more about the subject at present. He would only say that when an Assembly considered that certain institutions and objects would be for the benefit of the country, and that these objects were not incompatible with imperial interests, that it must be considered a folly not to accede to their wishes rather than refuse them on account of any supposed incompatibility with their own peculiar notions. On the other hand, he never could admit that where the dignity of the Crown was concerned, and the interests of the country were involved, any opinion of a Colonial Assembly was to overbear the opinion of the united Parliament. He conceived that the proposed measure would lead to a general spirit of harmony and conciliation between the inhabitants of the two provinces. The hon. Member for Kilkenny, in his speech, had alluded to the events of 1837, he was surprised that the hon. Member was not by this time convinced that he had been mistaken in the views which he had advocated at that period. It would be allowed, he thought, that it was desirable to keep up the connection between the Canadas and this country; but if the Government had yielded to the suggestions of the hon. Member for Kilkenny in 1837 — if they had allowed Mr. Papineau to govern in the lower province, and Mr. Mackenzie in the upper, he was persuaded that the connection to which he had alluded would be dissolved, and that the ties between the provinces and the mother country would immediately have been broken. It would not be necessary for him to enter into any argument on that subject, and he would say no more about it. He wished, however, to allude to the case of an individual whose name had been introduced in the course of the debate; he meant Mr. Baldwin, who had been placed in a very important situation by the present Governor-general of Canada. The Governor-general had transmitted an account of the gentleman in question, in which he stated that Mr. Baldwin's sentiments, though popular, were perfectly compatible with principles of allegiance and devotion to the Crown. He would not detain the House any longer from going into committee, and he felt exceedingly rejoiced that on a subject which involved so many difficulties, and after so much discussion, and so many dangers, they should be in a condition which manifested so little excitement, and so complete an absence of party feeling. The noble Lord concluded by reading a passage from a despatch of Sir George Arthur, received a few weeks before, to the following effect:—

> "There is a natural excitement felt here for the result of the union on the Clergy Reserves' Bill; but there is otherwise no general excitement in the country, and the community at large seem more desirous of repose than of further agitation. I do not, therefore, know a more auspicious moment than the present for carrying the details of the union into effect, if that measure should be agreed to by the Imperial Legislature."

Mr. *Ewart* thought we ought to legislate for Canada, on the principle that she would one day become independent of the mother country. The more slight our control, the more firmly she would adhere to us. If we reckoned on her assistance, we must govern her gently.

House in Committee on the bill.

On Clause 4,

Mr. *Hume* wished to know what security there was that the Canadians would have a better Legislative Council now than they had before. This clause gave them none. He thought it would be advisable, even on the suggestion of the hon. Member for Liskeard, that a portion at least of the Council should be chosen by the people, as in Trinidad.

Lord *J. Russell.* In Trinidad there was no representative assembly, and therefore it was considered expedient to allow some members of the Council to be elected. With regard to the present proposal, it was made in accordance with the views of the present Governor-general, confirmed, as he said in one of his despatches, by all the authorities he could approach, both in the Upper and Lower Province, as well as by the opinion of Lord Seaton. He believed that the former differences between the Council and Assembly arose rather from an opposition of political opinions, than from the fact of the councillors being for life. No such dissensions would have taken place had the Council been nominated so as to include those only who agreed with the majority of the assembly.

Mr. *C. Lushington* said, it was with considerable hesitation he opposed the exclusion of any fellow subjects from the enjoyment of political rights and dignities, but he felt bound, as a means of promoting the welfare of the state in general, and of the Canadas in particular, to press this proposal on the consideration of the committee. He grounded his motion on the entire inability of the clergy to discuss political questions with calmness, more particularly where the wealth of the Established Church was concerned. The clergy were notorious for incapacity as statesmen and legislators. The opinion of a celebrated historian (one of their great favourers and partisans) was too well known for him to quote at length; but he begged the committee to look to recent instances in which the weakness of the clergy as legislators, was manifested in the most deplorable manner. He was afraid that the illustrations which he should have to adduce would not be very palatable to hon. Gentlemen opposite; but he should endeavour to make his statements in as inoffensive a manner as he could, consistently with giving the best effect to the strongest topics in support of his case. In 1838, a bill for the improvement of church discipline was introduced into another place, which had the sanction of the Archbishop of Canterbury, and was concurred in by the majority of the Bishops, but which was exceedingly obnoxious to a right rev. Prelate, who was notorious for his political pugnacity. He declared, that if the bill passed into a law he would not obey it; that he would require his clergy to act according to the old law, which that bill abrogated; that if they disobeyed he would reprimand them, and that on the second offence he would excommunicate them. The hon. Gentleman then quoted the speech, which was as follows:—

> "He plainly and openly, then, declared, should this bill pass into a law, that if a clergyman in his diocese conducted himself criminally, he would call on that clergyman to answer to him for his actions, on his oath of canonical obedience. Over the clergyman's civil state he had no power; but he had power over him in a spiritual point of view, 'and,' said the right rev. Prelate, 'before his master and my master, I will remind this erring clergyman of his folly or his vice, I will reprimand him for it; and if he will not obey the remonstrance, I shall proceed to that sentence which this bill tells me I shall not pass —I shall proceed to excommunicate him.'"

He never heard of a lay Lord proceeding that length. It was a declaration unprecedented in his view, except by the audacity of Thomas-à-Becket. The question of Socialism was brought under consideration by the same right rev. Prelate, and the details dwelt upon were exceedingly disgusting and loathsome. It was said in a public journal, that the Lords defiled themselves by noticing it. Again, when the Canada Reserves' Bill was brought in, the Prime Minister was not allowed to finish his description of it. He was interrupted by the highest ecclesiastical peer. Take another instance. The Clergy Reserves' Bill was approved by all parties in Canada, except the ecclesiastical. The Bishop of Toronto, a member of the Legislative Assembly, after the measure passed, sent a declaratory address to his diocese, recommending petitions to be forwarded against the bill, for the mere purpose of stirring up religious animosity. The consequence was, that his conduct was not only reported to the home Government, but he received a severe reprimand from the Colonial Secretary. In 1837, the Bishop of Australia asked to be allowed to discontinue his attendance as a member of the Legislative Council, and

Lord Glenelg consented to his request. The Government having concurred in that representation, he did not see why they should oppose his motion, which was to the effect that no ecclesiastical person should be summoned as a member of the Legislative Council. The hon. Member concluded by moving the insertion of the word spiritual in the clause, which would attain his object.

Lord J. *Russell* could not agree to the proposition for an absolute exclusion of the clergy, however desirable it might be to enforce it under certain circumstances. He thought the speech of his hon. Friend, a revival of that which he made some years ago, in prefacing a motion respecting the House of Lords, rather than as one pertinent to the present discussion.

Mr. *Hume:* If the Government dispensed with the attendance of the Bishop in the Council of Australia, why not in that of Canada?

Sir C. *Grey:* In Australia there was but one Bishop, whereas in Canada there were several. It was best to leave the matter to the discretion of the Governor.

Lord J. *Russell* said, he wished to be understood as assenting to the principle, that it was not generally desirable to have clergymen in the Council, though he felt bound to oppose a motion of so sweeping a character as the present.

The Committee divided on the amendment:—Ayes 29; Noes 83: Majority 54.

List of the AYES.

Aglionby, H. A.
Broadley, H.
Brotherton, J.
Collier, J.
Duke, Sir J.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Gisborne, T.
Hawes, B.
Heathcote, J.
Hector, C. J.
Hindley, C.
Humphery, J.
Lushington, rt. hon. S.
Martin, J.
Moreton, hon. A. H.
Muntz, G. F.
Stansfield, W. R. C.
Stuart, W. V.
Stock, Dr.
Style, Sir C.
Vigors, N. A.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W.
Yates, J. A.

TELLERS.

Hume, J.
Lushington, C.

List of the NOES.

Acland, T. D.
Adam, Admiral
Aglionby, Major
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Blair, J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Visc.
Buller, C.
Cavendish, hon. G. H.
Chester, H.
Clay, W.
Cochrane, Sir T. J.
Courtenay, P.
Dalrymple, Sir A.
Dashwood, G. H.
Denison, W. J.
Dundas, D.
Fort, J.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, R.
Goulburn, rt. hn. H.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hawkins, J. H.
Hayter, W. G.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Jackson, Serjeant
James, W.
Kemble, H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lowther, hon. Colonel
Macaulay, rt. hn. T. B.
Mildmay, P. St. J.
Morpeth, Visct.
Morris, D.
O'Brien, C.
O'Brien, W. S.
Pakington, J. S.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Pechell, Capt.
Plumptre, J. P.
Power, J.
Rawdon, J. D.
Rice, S. R.
Rolleston, L.
Rumbold, C. E.
Russell, Lord J.
Scrope, G. P.
Seymour, Lord
Shaw, right hon. F.
Sheppard, T.
Smith, R. V.
Somerville, Sir W. M.
Tancred, H. W.
Teignmouth, Lord
Townley, R. G.
Turner, E.
Verney, Sir H.
Wilde, Sir T.
Wynn, right hn. C. W.
Wyse, T.

TELLERS.

Dalmeny, Lord
Troubridge, Sir E. T.

Clause agreed to.

On clause 10,

Viscount *Howick* said, that although he concurred with the bill generally, under all circumstances, he thought this a defective part. He had not spoken until the preceding clauses had passed, because he thought, under existing circumstances, it was impossible those clauses could be mended. The committee, however, must bear in mind the practical difficulties in the constitution of the Legislature. The councillors only held their offices during pleasure, and were removable by the Crown, therefore, they stood more in the situation of advisers to the Governor than in any other capacity. That was the original constitution. Of late it had, indeed, been varied, but he questioned whether beneficially so. It was impossible to create a Council of this kind, which should have the weight and importance that the House of Lords had in this country. It was an institution entirely different, and was subject to this great inconvenience. It happened sometimes that when the Governor and the Assembly were agreed with respect to measures about to be passed, there was a difficulty with the Council. He had concurred in the clauses, because he thought a judicious selection of councillors would for some time prevent practical difficulties from arising. He had stated thus much, because, if he should be hereafter in Parliament when the question of altering this part of the act should arise, he did not wish to be considered bound by what should now pass to adhere to the present arrangement, which he considered purely provisional.

Mr. *C. Buller* said, it would be impossible to propose any alteration that should have a chance of satisfying all parties.

Clause agreed to.

On clause 15 being proposed,

Mr. *W. S. O'Brien* protested against the clause as unjust, on the ground of the population of the two provinces being unequal, and equal representation being given.

Sir *Robert Inglis* said, that he objected to the bill, because an equal number of representatives was given to the upper and lower provinces. The hon. Member for Limerick wished to have a larger representation for Lower Canada, merely because the number of the population was greater. Now, he (Sir R. Inglis) held that population was not the just basis of representation, and looking to property, and, above all, looking to principle, he held that Upper Canada, being more nationally English, should have the preference.

Lord *John Russell* considered they were bound to give equal representation to each province. The noble Lord then intimated, that within the last two days he had received a despatch from the Governor-general, suggesting the propriety of assigning two representatives to the county of Lincoln, and that in consequence of that despatch, he should on the report propose the division of the county in question into two ridings, each sending one member, and that no member should be given to the town of Niagara.

Mr. *E. Ellice* complained that the town population was not sufficiently represented. There were seventy-eight members in all, and it was proposed out of those only to give eight or nine to the towns. It should be considered that those towns were the seats of the commercial interests of the colony, and that they were increasing in magnitude owing to the altered state of Canada. The towns, moreover, were likely to furnish a better set of representatives than the country; in them there was more intelligence and more union, and their representatives were as likely to be independent as those of the country. When the committee arrived at the seventeenth clause, he would throw out a suggestion, that Toronto and Kingstcn should each have two representatives instead of one, and he thought that Lower Canada should also have the same advantage, by giving to the two principal towns there two representatives each. He had no objection to the alteration in the county suggested by his noble Friend, but if his noble Friend proposed to add to the county constituency, he (Mr. Ellice) would propose to add Sherbrooke to the bill.

Mr. *C. Buller* was inclined to agree with the hon. Member with respect to giving additional representatives to Toronto and Kingston. He thought that the cities of Quebec and Montreal should have a fair representation in proportion to the amount of population.

Mr. *Hume* said, that if the large towns were to return two Members, he hoped they would be divided into wards.

Clause agreed to.

On Clause 27, proposing a qualification for members of the House of Assembly of 500*l.* in land.

Mr. *Hume* objected to the clause. In the first place he thought the qualification too high; in the next place, he did not see the necessity of any qualification at all.

Mr. *Hawes* suggested that the qualification should extend to personal property as well as to property in land.

Mr. *Edward Ellice* observed, that 500*l.* in land in the Canadas was not so high a qualification as the hon. Member for Kilkenny might imagine.

The Committee divided on the question that the clause stand part of the bill:— Ayes 94; Noes 27:—Majority 67.

List of the AYES.

Abercromby, hn. G.R.	Barnard, E. G.
Adam, Admiral	Barry, G. S.
Alston, R.	Bellew, R. M.

Bewes, T.
Blackburne, I.
Blair, J.
Bodkin, J. J.
Boldero, H. G.
Broadley, H.
Buller, C.
Cavendish, hn. G. H.
Chalmers, P.
Clay, W.
Collier, J.
Crompton, Sir S.
Dalmeny, Lord
D'Eyncourt, right hn. C. T.
Divett, E.
Duffield, T.
Du Pre, G.
Ellice, right hon. E.
Evans, G.
Evans, W.
Gladstone, W. E.
Gordon, R.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Hawkins, J. H.
Heathcoat, J.
Heneage, E.
Henniker, Lord
Hinde, J. H.
Hobhouse, rt.hn.Sir J.
Hobhouse, T. B.
Hodgson, R.
Hope, G. W.
Hoskins, K.
Howard, hon. E. G.G.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
Labouchere, rt.hn. H.
Maher, J.
Martin, T. B.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
O'Brien, C.
O'Brien, W. S.
O'Ferrall, R. M.
Pakington, J. S.
Parker, R. T.
Parnell, rt. hn. Sir H.
Pigot, D. R.
Plumptre, J P.
Ponsonby, C. F. A. C.
Power, J.
Price, Sir R.
Rawdon, J. D.
Rice, E. R.
Rushbrooke, Col.
Russell, Lord J.
Rutherford, rt.hon. A.
Sanford, E. A.
Scrope, G. P.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Smith, R. V.
Somerville, Sir W.
Stanley, hon. W.
Stuart, W. V.
Stock, Dr.
Style, Sir C.
Teignmouth, Lord
Troubridge, Sir E. T.
Vere, Sir C. B.
Verner; Col.
Verney, Sir H.
Vivian, J. H.
Welby, G. E.
Wilde, Sir T.
Winnington, H.
Wood, C.
Wynn, rt. hn. C. W.
Wyse, T.
Yates, J. A.

TELLERS.

Parker, J.
Tufnell, H.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Blake, W. J.
Craig, W. G.
Dundas, D.
Elliot, hon. J. E.
Ellis, W.
Ewart, W.
Gisborne, T.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hindley, C.
Hutton, R.
Langdale, hon. C.
Marsland, H.
Muntz, G. F.
Pechell, Captain
Redington, T. N.
Rundle, J.
Strutt, E.
Tancred, H. W.
Thornely, F.
Vigors, N. A.
Wakley, T.
White A.
Williams, W.

TELLERS

Johnson, General
Hume, J.

Clause agreed to.

On Clause 40,

Mr. *C. Buller* approved of making the English language the legal language of Canada, but there seemed to be something in the clause below the dignity of legislation on a great constitutional question. He did not see why a translation of papers for the use of Members, or of the law, might not be printed for the use of those who did not know the English language.

Lord *John Russell* said, that it was necessary that there should be a legal record of everything, and that was all that he required to be in the English language. He did not mean to prevent translations.

Viscount *Howick* thought, that much hardship might be imposed on the members of the legislature itself, who might not know the English language, if all printed documents for the use of the house were required to be in the English language, and he, therefore, earnestly requested his noble Friend to agree to the amendment.

The *Solicitor-General* said, that the clause related only to formal proceedings on matters of record, and did not interfere with interlocutory matters, nor did it appear to him to prevent any copy being translated into French for the use of members or others.

Sir *C. Grey* suggested that a proviso should be added that nothing in the clause should prevent the Legislature from ordering any translation to be made.

Sir *R. H. Inglis* observed, that this was the only clause that he would like to keep in the bill, because he was anxious as far as possible to introduce the English language, notions, and feelings. They ought to propagate the English language wherever there was English law.

Lord *John Russell* wished for time to consider the point, as he admitted that the words "and printed" were not in the bill sent from Canada.

Mr. *Courtenay* thought that the preservation of the English language was of great importance, for the difficulty of translating one legal language into another legal language was very great. Which was to be the original?—see the subtlety of the lawyers—see how they differed in construing one language, and what increased difficulties would there be if the lawyers were to construe languages.

Clause agreed to,

On Clause 51, and on the question that the blank be filled with 45,000*l.* for the purposes of the civil list.

Mr. Hume moved that the amount be 25,000*l.*

Viscount *Howick* supported the clause. The grant was not greater, in his opinion, than public policy demanded. He thought, however, that the salary of the Governor-General ought to be charged upon the consolidated fund rather than upon the revenues of the colony. As, on the one hand, it was desirable that the Governor-General should have a liberal salary, and, as on the other, it appeared that the colony were not desirous of giving it, it would be well to provide from the civil list such salaries as would ensure to the executive the means of performing its duty.

The Committee divided on the amendment:—Ayes 14: Noes 88;—Majority 74.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Bagge, W.
Berkeley, hon. C.
Boldero, H. G.
Callaghan, D.
Ewart, W.
Gisborne, T.
Morris, D.
O'Brien, W. S.
Parker, R. T.
Vigors, N A.
Wakley, T.
Wood, B.

TELLERS.

Hume, J.
Williams, W.

List of the Noes.

Abercromby, hn. G. R.
Adam, Adm.
Alston, R.
Archbold, R.
Barron, H. W.
Blackburne, I.
Bodkin, J. J.
Brotherton, J.
Brownrigg, S.
Campbell, Sir J.
Cavendish, hn. G. H.
Chalmers, P.
Courtenay, P.
Craig, W. G.
Darby, G.
D'Eyncourt, rt. hn. C.
Douglas, Sir C. E.
Dundas, Sir R.
Dundas, D.
Elliot, hon. J. E.
Ellice, rt. hon. E.
Evans, G.
Evans, W.
Farnham, E. B.
Ferguson, Sir R.
Gladstone, W. E.
Gordon, R.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Hawkins, J. H.
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hope, G. W.
Hoskins, K.
Howard, hon. E. G.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
Jackson, Sergeant
Langdale, hon. C.
Marsland, H.
Martin, T. B.
Melgund, Viscount
Morpeth, Viscount
Murray, A.
Noel, hon. C. G.
O'Ferrall, R. M.
Pakington, J. S.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pigot, D. R.
Ponsonby, C.
Price, Sir R.
Rawdon, J. D.
Redington, T. N.
Rice, E. R.
Rushbrooke, Col.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Scrope, G. P.
Shaw, right hon. F.
Sheppard, T.
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Troubridge, Sir E. T.
Vere, Sir C. B.
Verner, Col.
Vivian, J. H.
White. A,
Wilde, Sergeant
Williams, W. A.
Wood, C.
Wood, G. W.
Wyse, T.

TELLERS.

Parker, J.
Tuffnell, H.

Clause agreed to.

Blank filled up with 45,000*l.* Bill passed through committee.

House resumed.—Bill as amended reported.

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HOUSE OF LORDS,

Monday, June 1, 1840.

Minutes.] Bills. Read a first time:—Indemnity.—Read a third time:—Feuing of Entailed Estates for Churches, etc. (Scotland).

Petitions presented. By the Earl of Radnor, from Perth, St. Andrew's, and other places in Scotland, for the Separation of Church and State; from Dundee, Sunderland, Newton, a place in Somersetshire, and Leicester, for a Repeal of the Corn-laws; and from Southwood, in Somersetshire, Bradford, in Wiltshire, and other towns, against Church Rates.—By the Earl of Winchilsea, from the Protestant Association, against any further Grant to the College of Maynooth.—By Lord Holland, from Nottingham, against Church Rates.—By the Earl of Rosebery, from places in Scotland, against the Intrusion of Ministers.—By the Duke of Rutland, from Leicester, in favour of Church Extension.

Church of Scotland] The Marquess of *Breadalbane*, in presenting a petition against the intrusion of ministers into the Church of Scotland, and praying that the bill then before Parliament, introduced by the noble Earl opposite (the Earl of Aberdeen), might not pass into a law, observed that the general assembly of the Church of Scotland had, as their Lordships were aware, come to a decision, by a large majority, unfavourable to that bill, and such he believed to be the feeling not only of a great majority of the Church of Scotland, but of the people at large.

The Earl of *Haddington* felt it necessary to say, that the concluding portion of the noble Marquess's observation did not tally with the information which he had received, and which he believed most other persons had received, from that portion of the United Kingdom.

The Marquess of *Breadalbane* could only refer the noble Earl to the numerous petitions which had been presented in favour of the principle of non-intrusion which principle he did not consider was embodied in the bill of the noble Earl.

Lord *Brougham* said, that not having been able to consider sufficiently the bill of the noble Earl, he would abstain at present from saying anything respecting it. He would, however, maintain the opinion which he held the last time he had the honour of addressing their Lordships upon the subject, which was, that the people of Scotland did not go along with those who had placed themselves in resistance to the law of the land. The law of the land had been declared by the highest authority in the law—by their Lordships in their judicial capacity; and if there were any who persisted in offering resistance to the law, he asserted that it was not the people of Scotland, but those misguided individuals or bodies who had thought fit to join them. He might be told that there was conflict and collision upon the subject; but what was it? It was a conflict and collision which there ever would be in every case where a decision had been pronounced by a legal, authorized, and only authorised tribunal—namely, a conflict and collision between that tribunal and the party against whom that tribunal had pronounced judgment. And whether that party were an humble or a powerful individual—whether an individual or a body corporate—whether the meanest lay corporation in the country, or the highest clerical body in the country—it fell within the same rule, and must be considered as the party in a suit in which the decision was given against it by a competent tribunal. Great differences prevailed on other points in that part of the kingdom to which he alluded; he was anxious that those heats should subside; he was anxious, as the peace of the country would be endangered if the peace of the Church were endangered—he was most anxious, before any legislative measure should be adopted, that proper means might be taken in the proper quarter to secure and enforce not merely a nominal but a real and substantial obedience to the law as it at present existed.

Petition laid on the table.

Administration of Justice—Court of Chancery.] The Order of the Day for going into Committee on the Administration of Justice Bill having been moved,

Lord *Brougham* said, that he had to apoligise to their Lordships for rising to give his opinion with respect to the bill in its present stage, but not having been present on a former occasion, so as to avail himself of the opportunity of doing so at the proper stage, he had no other alternative. He had had repeated occasions—indeed he was sorry to say how often, as the frequency showed for how long a period so important a question had been left unsettled, but he had had repeated occasions of addressing their Lordships upon this subject, and his noble and learned Friend deserved the thanks both of their Lordships and the country for bringing it again before their Lordships, without being dispirited by the failure which he suffered upon the point four years ago. He hoped he should not be accused of an obstinate adherence to his former opinions if, after having since the introduction of this bill given to the subject the greatest possible attention, he still, in some measure, adhered to those opinions. In giving the grounds he would not say of his opposition to, but of his doubts as to the necessity of so large a measure, he did not mean to say that there was no necessity for some increase of the judicial force; but, as there was great conflict of argument upon the subject, it would better tend to guide the House, so as that it might more clearly find its way through so intricate a question, to state clearly all that might be urged for and against it; for his own part he felt that he should best discharge his duty by fairly stating the reason which induced him to adhere to his former opinions. One of the main facts which the House had to consider was, whether the increase of business in the courts of equity was or was not such as to require so large an increase of the judicial force. The two main sources of the business were the bills filed and the petitions presented, and in both these it was stated, that a great increase had taken place. Now, in the five years ending in 1754, he found the number of bills filed was 1,698, being something under 1,700., and the average number of petitions was 282, making altogether 1,980. In the five years ending 1835, being the latest period at which returns had been presented, the number of bills filed was 2,366, and the number of petitions presented was 1,271, making a total of 3,637, which, instead of being double, as had been argued, was only about as five to nine compared with the former period. If the average of the five years preceding 1819 were taken, it would be found to be nearly as great as that presented by the last return; but these arose from peculiar circumstances relating to the period, which were subsequently obviated, and in 1831, 1832, 1833, 1834, there were great diminutions in the arrears. Indeed, in the years 1831 and 1832 it might have been said, that there were no arrears, and the consequence was, that a great extension of justice ensued, for the cessation of a denial of justice was tantamount to an extension. By the arrears which had accumulated the channels of justice had been choked up, and the stream could not flow freely. The consequence was, that bills ceased to be filed; but when the obstructions were removed, and the stream flowed freely, a great increase took place in the filing of bills, and in 1833, the effects of the increase began to be practically felt in the business of the court, and in 1833 the amount of business was from this cause—namely, the removal of the obstruction, increased to an enormous extent beyond its natural limit. The result, however, of all the calculations and inquiries which he had made was, that taking the amount of business as a test, and even including the extraordinary increase arising from peculiar circumstances, the increase was not greater since the time of Lord Hardwicke, was not greater in proportion, than as five to nine. That was one side of the account; but they must take the other side of the account also, and on doing that they would find, that instead of the judicial force to perform the office being the same as it was in the time of Lord Hardwicke; on the contrary, if the work was increased threefold, the machinery for effecting that work, the force by which the weight was to be moved, had also increased threefold, or at least had increased more nearly in the proportion of three to one, than of two to one. He did not understand, and he believed nobody understood, why, when the force was increased threefold, and the weight had only increased in the same proportion, the force was not sufficient for the work. Let it be remembered, that the case was very different now from what it was in the time of Lord Hardwicke. Then there were the Chancellor and the Master of the Rolls to perform the business of the court, but since there had been a great increase of force. By a cursory observation it appeared, that the increase had been fifty per cent., but in reality that increase had been much greater, because the Master of the Rolls only sat in the evenings formerly, that was to say, only twelve hours in the week. The number twelve, therefore, answered to the power of the Master of the Rolls in Lord Hardwicke's time. Then, again, thirty hours in the week was more than the Chancellor then devoted to the public business of the court, because he had to attend to the Privy Council business, the Cabinet business, other judicial business, and Ministerial business, which came under none of the former heads; and, last and greatest, the business of their Lordships' House, which was certainly a most material item; so that, taking all these, and stating the number of hours devoted to the business of the court by the Chancellor, instead of thirty, at twenty-seven, or perhaps twenty-five hours—and he believed that was rather an overstatement that an under-statement of the time which the Chancellor was enabled to devote to the Chancery Court—but taking it at twenty-seven hours, the power of the master of the Rolls would be represented by twelve, and that of the Lord Chancellor's Court by twenty-seven, or twenty-five, perhaps, in the time of Lord Hardwicke. Now, what was the case at present? Taking the same sum to represent the power of the Lord Chancellor, and thirty hours at least to be the number occupied by the Master of the Rolls now sitting in the mornings, which was according to the statement of his noble and learned Friend the Master of the Rolls; and therefore, if this were the least number, the average would be something greater, but taking thirty as the average of the Master of the Rolls, and supposing the Vice-Chancellor to sit thirty hours a week, and add these sixty hours to the twenty-five hours, which were the common period of the Chancellor of the present day and of Lord Hardwicke, that all together would make eighty-five hours; therefore it was quite demonstrable that they had between eighty and ninety hours instead of between thirty and forty hours occupied in the business of chancery. But if instead of taking thirty and twenty-five hours, he was to take, as he had a right to take, this ground of supposition, that the Vice-Chancellor and the Master of the

Rolls sitting six hours a day, and why they should not sit that number like the courts of common law did, he (Lord Brougham) did not know—then he should have seventy-two to represent the power of these two judges, and then, instead of the power of the whole court being represented by forty-two, as in the time of Lord Hardwicke, the amount of judicial force would be represented by 102, that was to say between two and three-fold what it was then. But that was not the only circumstance which had occurred having a bearing on the question, for another alteration had taken place in the Court of Chancery which was very important in reference to this discussion. The business of bankruptcy had been removed from the great seal. Some little relief had been given in respect of the Recorder's report, the abolition of which had given about seven or eight days in the year which it used to take. If, therefore, he said that the increase of force had been such as to make it between two and a half and threefold greater than it was in the time of Lord Hardwicke, he should not be wrong. It might be said that these were merely speculative opinions, and that he did not exactly show that these three learned judges had power to increase the force of the court. He came therefore to the returns themselves, to show that there was ground for thinking, as perhaps their Lordships would think by and by, that something of the sort might be effected. At all events, justice must be done; the suitors must be relieved; the court must be helped. Well, then, the number of causes set down for hearing annually on an average of seven years, ending with the year 1834, was, according to his noble and learned Friend, 890; the number of bills and answers was 370; the number of pleas and demurrers, 56; making a total of all matters to try, of all the business in Chancery, of 1,316. But it was said, that very extraordinary exertions were made in those years. Take, then, the number of matters occurring annually on an average of the four years ending in 1839, and it appeared that there were to be disposed of 1,281; and that of those the number actually disposed of was 1,253. From this, therefore, they were fairly entitled to argue that the judicial force had been found sufficient for the discharge of the increase of business, and on the face of the returns, at least, more or less adequate to the performance of the duty. But there was the arrear. No doubt there was an arrear, because if a bill failed, a suit was commonly brought into court. There was, then, an arrear, and no doubt it was necessary to find some remedy and relief against the evil, and he would, therefore, request their Lordships and his noble and learned Friends who had preceded and succeeded him on the Woolsack to give him their particular attention on this part of the subject. He said, then, there was an arrear; he admitted there was a heavy arrear. Then the first question, and the main question, was, whether was that arrear temporary, or constant and permanent; did it arise from a defect in the machinery of the court, from a want of judicial power, or was it accidental, arising out of the nature of the business, as, for instance, the increase of bills on railways which had come into the court within the last few years, of which so much had been said, but which it was manifest could not last for ever? He asked, was the arrear temporary or permanent? This was very material to ask and to have ascertained, because, if in order to get rid of this arrear they should appoint additional judges permanently, then, in case of the arrear turning out to be temporary, they would have the arrears got rid of, and the judges remaining with but little to do. He must say, he did not anticipate a very triumphant answer to this, but certainly the judges ought not to be too highly worked. Let them see, then, was the arrear permanent or not? He took now as the test that which was always resorted to—namely, the amount of causes, the exceptions, and the pleas and demurrers standing ready for hearing and not heard in each year. He took the end of Michaelmas term in each year. He should begin with the year 1827, quoting what he found in the printed returns. Then the causes ready for hearing and not heard, the pleas and demurrers, in 1827, were 668 at the close of Michaelmas term; in 1828, they were 668; in 1829, 722; in 1830, 374; in 1831, 229; in 1832, 145; in 1833, 202; then they came to the great influx of business to which he had referred, and in consequence of which the number of bills had increased from 2,600 to between 2,600 and 2,700; consequently, in 1834, the number was 630; in 1836, it was 782. In order, then, to ascertain whether the arrear was permanent, what mode could be better than to see whether that arrear had continued the same, or whether it had diminished or increased? Proceeding with the above account, the number in 1837, was 647; in 1838, 607; in 1839, 693. This was a great number, but still it was about 100 less than in the year 1836. It was clear, therefore, that the arrear was not a permanent but a temporary arrear; and was it not a most important inference from this statement, and its peculiar tendency to show, that if they applied a great increase to the permanent judicial force of the court in order to get rid of the arrear, that arrear would be got rid of, and that in two years or so, perhaps, there would be no sufficient occupation for those additional judges? But, then, it was said, in order to prevent this, you may increase the business of the Court of Chancery in two ways. First, the business of the Court of Equity Exchequer was to be transferred to the Court of Chancery. That would be one source of increase. And, second, there might be an increase in consequence of the diminution of arrears, which would invite more suitors into the court. With respect to the first, he would not then go into a discussion of it, because their Lordships would have other opportunities of going into that part of the plan, but he might observe that it was not denied, that that change would increase the business in Chancery to the extent of 1-13th or 1-14th. Then, however, if they were to increase the judicial power of the court, as was proposed, they would increase it not by 1-13th or 1-14th, but by something like two-fifths or more, for the bill proposed to appoint two more vice-chancellors. The judicial force then, instead of being, as it ought to be, only two and a half times as great as it was in the time of Lord Hardwicke, would be, on the plan of his noble and learned Friend, at least four and a half or five times greater than it was then. Considering, indeed, all the circumstances, he was disposed to think, that they would be in all increasing the force seventy per cent., at a time when the additional work caused by adding the Equity Exchequer jurisdiction to Chancery would only be about eight or nine per cent.; therefore, there was to be eight or nine times as much increase of power as that increase of business would justify. But then it was said, that there would be another cause of increase, in consequence of the diminution of arrears attracting suitors to the court. The increase, however, would be but slight in comparison; instead of being seventy or eighty per cent. on the business, it would not be much more than three or four per cent. The remedy proposed to remove this increase was a quintuple power to that which existed a century ago. Though there was an increase of business, he thought there was nothing to require the addition of two judges. At most he should be inclined to give but one additional judge, and would ask their Lordships not to give more. The reason why he very reluctantly said one, was this—that he knew if they should get into arrear the consequences would be, there would be an additional judge appointed. When he had filled the office, now so much more worthily filled by his noble and learned Friend on the Woolsack, he had resisted the wish of the common law judges in Westminster-hall to increase the number of the judges. He had stated to them that his opinion was, that some extraordinary increase of exertion was preferable to endeavour to diminish the arrear of business, and then to go on. And certainly, if an additional judge at common law had been appointed at that period, there would have been more judges appointed than would have been wanted. There was another part of this measure which opened a subject of very serious consideration, and that was the manner in which it was proposed to deal with the appellate jurisdiction. It had very often been said, "Why don't you have a great board, a great tribunal, to judge these causes, which, instead of sitting occasionally a week now and a week then, would sit regularly? Why had they not a regular court, as they had in other countries, always sitting when there was appeal business to do, so that every one should have free and open access to it to have their judgments reversed? But they must attend to the right constitution of the court on the one hand, as well as to its constant and convenient sittings on the other. If they had a court constantly sitting, it was impossible that the judges of it could belong to other courts; they must be judges of appeal only; but if they were so, they would be comparatively less able to transact the appeal business. He did not mean that it was necessary that every one of the judges should have seats in other courts; some of them might be advantageously always placed in the Court of Appeal, and not sit in the other courts; but some of them should be accustomed to sit in the other courts, otherwise two difficulties would occur, one of which was sufficient to show that it was necessary. Matters of practice hardly ever came to appeal, or very rarely, but they might now and then come before the court, and might be the very points on which the cause turned; but in matters of ordinary practice, that court would have little or no experience. It was, therefore, necessary to have in the Court of Appeal one or two judges who were in the everyday working of the courts, and who saw all the trifling matters that came before them. But there was another consideration more material. The judge who only sat occasionally had not sufficient constant practice to enable him to have a due confidence in his own judgment or the judgment or the opinions of others. Those, therefore, who had considered the question had generally risen with the impression that it would not do altogether in a court of appeal to have judges so constituted and appointed as to have no dealings with the other courts. But if they had a court of appeal consisting of judges who sat in other courts, it followed that the appeal court could not hold permanent sittings, but that it must more or less study the convenience of the other courts from which it drew some of its judges. This was one of the difficulties to be met. He thought that if such an arrangement could be made, and the permanent assistance of the competent authorities be obtained, such a tribunal should be presided over by the head of the law—the great law officer of the Crown—who should preside as the chief judge of that court. He admitted that one additional judge might be required, but no more, to get rid of the arrears, and that assistance would enable the Lord Chancellor to preside over the court of appeal. This led him to say a word on that part of the plan which related to the transfer of the Master of the Rolls from his own court. The following was the state of the causes set down to try in the Rolls' Court since 1833. In 1833 there were 652 cases set down for hearing; in 1834, 462 cases; in 1835, 519; in 1836, 465; in 1837, 370; in 1838, 259; and in 1839, 202 cases. So that it had come down from 500 or 600 cases, to 200 within the last five or six years. Could any one doubt that if the Rolls' Court were shut up for sixty days in the year, but that it would put an extinguisher on it, and that instead of 202 cases, there would not be 102 next year, and that parties would only go to get a decision there to bring their causes up for appeal? Instead of being taken away, the judge ought to work double tides, and ought to be more ready and anxious to remain in his court, in order to keep up to the business. When he said, that the business of that court was coming down, he begged not to be misunderstood. There were not, there could not be, any ground, not even the least vestige of a shadow for saying that this was owing to the court itself; but they all knew that at different times there was a fashion with respect to courts in Ireland; for instance, at this moment he understood there was an enormous disproportion of cases taken into the Court of Exchequer, which was overwhelmed with business, while some of the ablest Judges were in the Queen's Bench and Common Pleas with comparatively little to do. At other times, in England, it had been the fashion for suitors to crowd the Court of Queen's Bench, although judges to the full as able as the judges of that court presided in the Common Pleas. The business of the Exchequer was increasing, and had increased. The increase had begun at the time his noble and learned Friend opposite, presided over that court. There was no reason in the world why that court should be a favourite, since just the same legal talent, and the same judgment, could be found in all the other courts. He would now state what, in his opinion, was the proper remedy for this. He did not see why there should be any choice of courts permitted. He could never see any reason why a plaintiff should have the power of choosing his court any more than the defendant. If it were because the plaintiff was the person in possession, it might perhaps be right, but the plaintiff was generally the person out of possession. Now, if the choice was given because he was the person out of possession, it would at least be consistent; but he was not always the person out of possession, and there was nothing less consistent than that the plaintiff should have the choice of courts, and in earlier times such was not the case. The plaintiff in those times had no choice, and all suits went to their respective courts, and it was not until fictions were introduced that the plaintiff had the choice of courts. Now, how did this apply to the Master of the Rolls? He would say, that if they removed the Master of the Rolls from his court, they would increase the evil, and the remedy was not to give parties the choice of courts, but to send suits to the Rolls to relieve the Court of Chancery and the Vice-chancellor. He might be told that it would be hard upon the suitor to compel him to go to the Rolls, but what were they about to do? The Master of the Rolls was going to the Privy Council. The suitor had no choice of judges of appeal, and there could be no appeal against his decision, as there was no appeal from the Privy Council. On one other point he wished to address the House. He thought there ought to be an intermediate Court of Appeal for certain purposes. He believed they ought to allow an appeal from the Rolls to the Vice-chancellor or Chancellor. Parties might elect which, but they should not have another appeal from that decision. The bulk of appeals which came to the House of Lords, did not come from the Court of Chancery, but from Scotland and Ireland. His noble and learned Friend would, he hoped, not require further assistance than would, after the arrears was once got rid of, be sufficient to meet the real exigencies of the case, and he should advise their Lordships strictly to restrict the additional supply to those exigencies.

The *Lord Chancellor* said, he would recall his noble and learned Friend's attention to one or two tests which he (the Lord Chancellor) thought his noble and learned Friend would admit were quite conclusive as to the necessity of having a considerable addition to the force of the Chancery judges. He knew that it was almost universally the opinion of the bar, that great additional strength was required; and that it was the opinion of the solicitors who practised in the court, he knew. It was also the opinion of the judges engaged in administering equity. These were the persons, and the only persons, who, being conversant with the present state of business in the Court of Chancery, could state the difficulties which at present existed in obtaining justice in the present state of the arrears of that court. Whatever might be the arrears, it was their duty to apply a remedy as soon as they found the evil existed. In order to find out the evil, let them take the book of causes, and take the first forty causes set down for hearing before the Vice-chancellor, and they would find, that in all those causes, after they had been completed, and after all the evidence had been examined, three years must elapse before a suitor had any chance of obtaining a hearing. And then very few causes were disposed of without a report, and the suitor had in that case to wait three years more. He waited three years for the original decree, and three years more for further directions. It had not been suggested by any body that a want of exertion on the part of the judges had caused the present arrear, and he knew that if it were so suggested, it would be without the slightest foundation, for he believed that in every branch of the courts there was every exertion for doing that which the public of right demanded—namely, justice, and justice failed only because there was not the power to do it. His learned Friend had alluded to a period which showed great peculiarity in the administration of justice—he meant the period when a very celebrated man, afterwards Master of the Rolls, was made Vice-chancellor—Sir John Leach. More work had been got through by him, than ever before by any individual, and, considering the vast quantity of business he did, it was well done. But he would ask his learned Friend, whether there was not great danger of failure in justice, when the judge had only in view the rapidity with which he could get through his causes? He might get through a great quantity of business, but that was not the only question: the most important was, how was the business done? He did not think that Sir John Leach's example was one which it would be wise or safe for any other judge to attempt to follow. His noble and learned Friend had referred to a period which had always excited the astonishment of every one who had looked into these matters—namely, how it happened that so large a number of bills were filed in the time of Lord Hardwicke, compared with the business before him. The reason was this—if a party came into court he was sure to have his business done, and was not told he must wait six years for justice. But if they wanted to ascertain what was the business of the judge, they must look at the hearings; it was these which occupied the time of the court. But there were not one-third of the number of hearings in the time of Lord Hardwicke that there were at present. In the five years ending 1764 there were 283 hearings, and in the same period ending in 1839, the number of the hearings was 1,248. There was not, therefore, one-third of the quantity of business in the time of Lord Hardwicke. But it was not necessary to go back to the time of Lord Hardwicke; the time of 1812, when the Vice-chancellor's Court was established, was a much safer period to go back to, and the business was now double what it was in 1812. During the five years following 1812 the hearings amounted to 562, and in the five years ending 1839 they amounted to 1,248. But it was not merely the quantity of business to be done at a particular period that they were to look at; they must look to the country to see what business was to be done which was not entered for want of opportunity. The average number of causes set down for hearing during the three years before the Vice-chancellor was appointed was 540, and during the three years afterwards it was 714. What had happened in the course of these six years to make the great change? It was not anything in the history of the country; but before the Vice-chancellor was appointed, the suitor knew that he had no chance of being heard, and afterwards, instead of abandoning his rights, or compromising them, he came into court. The number of bills filed after the appointment of the Vice-chancellor proved the same thing. When they inquired what additional strength the Court of Chancery might want, they had, in these returns, something from which to form a conclusion. They had to provide, not only to get rid of the arrear, but also for what they knew would happen, to get rid of the number of suitors who would come. There was another point to which he wished to call attention, from which it might be seen how unsafe it was to refer to figures. He knew that in the Court of Chancery, the longer a list of causes remained unheard, the more impracticable it became when it came to be heard; and the reason was, that it was not every cause that had a chance of being taken, but short causes were picked out. The result was an arrear, not of common causes, but of causes which had been postponed from term to term, and from year to year, in consequence of their length. It would, therefore, require a long time, and great judicial strength, fairly to grapple with the evil. His noble and learned Friend had referred to some of the details of the bill, which he thought would be better discussed in Committee; but there was one to which he could not help adverting for a few moments—he meant the attendance of the Master of the Rolls, as president of the Privy Council. In order that the extremely important business of that court might be satisfactorily conducted, fifty days, or one quarter of what was called the judicial year, must be devoted by the person who should be appointed to preside. It was natural, in looking to the profession for the purpose of finding a judge who could attend to this duty, to select the Master of the Rolls, who had for fifty years before the Judicial Committee was instituted presided over the Privy Council. No doubt the Court of Chancery would lose his services to that extent, and no one lamented this more than he (the Lord Chancellor) did; but, as there would be a power under this bill of distributing the Chancery business, no inconvenience would arise to the suitors from the partial attendance of the Master of the Rolls at the Privy Council. So much could not be said if any of the other superior judges had been selected; their places could not well be supplied. The business of their courts would be at a stand-still during their absence. For these reasons he was prepared to justify that part of the bill. There were other details to which his noble and learned Friend had alluded, but he should reserve what he had to say in reply till the bill went into Committee.

Lord *Lyndhurst* said, their Lordships had attended to the statements and details which had been entered into upon this occasion, in a manner which the importance of the subject demanded; and he was quite satisfied they could only come to one conclusion—that it was impossible to arrive at any safe and satisfactory decision with respect to this bill, except by referring the consideration of it to a committee upstairs. He was clearly of opinion, that at least one additional judge was necessary for the Court of Chancery. It was quite impossible to get rid of the arrears existing in that court, without consenting that one judge should be added to its present strength. The only doubt that existed in his mind was, whether one additional judge would be sufficient for that purpose. That was matter of detail for minute, particular inquiry; and, with a view to that investigation, he proposed that the bill itself should be referred to a committee up stairs. He felt it was unnecessary to enter into the details at present, as they would be fully and more properly investigated in the select committee, to which he now moved that the bill be referred.

The *Lord Chancellor* felt perfectly satisfied as to all the details of the bill; but, believing this motion to originate in a *bonâ fide* intention to serve it, by enabling other noble Lords fairly and fully to investigate the subject, and having no doubt as to the conclusion to which they must come, he should at once acquiesce in the motion.

Lord *Brougham* had no objection to that course. In explanation, however, he must be permitted to say, that his noble and learned Friend had somewhat mistaken his argument. He admitted that there was a very heavy arrear in the Court of Chancery, but he contended that that being only of a temporary nature, the appointment of one additional judge would be abundantly sufficient to master it within a reasonable time.

Lord *Ellenborough* entirely agreed in the propriety of sending this bill to a committee up stairs; he hoped, however, no one in that House would misunderstand, and none out of doors misrepresent, the object of his noble and learned Friend. He was quite sure his noble and learned Friend would go into the committee with the sincerest desire to abate this long-continued grievance, which he had himself brought under their Lordships' consideration in former years. His noble and learned Friend opposite (Lord Brougham) thought one additional Vice-chancellor would be sufficient to get rid of the arrears. But even if the smallest case could be made out for the appointment of a second, it would be the duty of the committee to recommend it.

Lord *Lyndhurst* said, unless he were satisfied with the clearness of demonstration almost that one would be sufficient, he should certainly vote for a scond additional judge.

Lord *Abinger* also concurred in the propriety of referring the consideration of this bill to a committee up stairs. The evil was admitted on all hands, but the extent of the remedy would be most fittingly discussed in that committee. He sincerely hoped the result would be found satisfactory and beneficial.

Lord *Denman* thought their Lordships were perfectly competent, after all the inquiries which had taken place upon this subject, at once to form an opinion as to the best remedy for an universally admitted evil, without sending this bill to a committee up stairs. At all events, he hoped the committee would proceed with its inquiries forthwith, and report as speedily as possible. He had come with great reluctance to a full conviction that it was necessary to increase the judicial strength of the Court of Chancery, and the sooner that remedy was applied the better. A state of transition in courts of justice was one of the worst for the suitors that could possibly exist.

Bill referred to a select committee.

HOUSE OF COMMONS,

Monday, June 1, 1840.

Minutes.] Bills. Read a first time:—Canada Clergy Reserves; Census of the Population.

Petitions presented. By Lord G. Bentinck, from Lyme Regis, against the County and District Constable Bill, and against the Poor-law Amendment Act Bill.—By Lord R. Grosvenor, from Chester, for Medical Reform.—By Mr. O. Gore, from Denbigh, against the Assistant Poor-law Commissioners, and for Church Extension.—By Sir W. Follett, from the Provincial Newspaper Society, for an Alteration of the Law of Libel.—By Mr. Easthope, from Leicester, &c., against Church Extension.—By Mr. Sergeant Talfourd, from Mr. Feargus O'Connor, to be removed from York Gaol to the Custody of the Marshal of the Marshalsea.—By Mr. Bethell, and Mr. Hodgson, from a parish in Yorkshire, and Berwick-upon-Tweed, against the Ecclesiastical Revenues and Duties Bill.—By Mr. Baines, from Leeds, against the Sugar Monopoly.—By Sir R. Bateson, from Londonderry, for the adjustment of the Church of Scotland Question.—By Mr. Wilbraham, from various places in Chester, against Church Rates, and against the Rating of Workhouses.—By Mr. Pendarves, from several places in Cornwall, for the Abolition of Church Rates, and the Release of John Thorogood.—By Mr. Grote, from the Commercial Steam Packet Company, for Relief from Light-house Dues.—By Sir J. Graham, from Hadleigh, and Boxford, against the War with China.—By Mr. Colquhoun, from families in Glasgow belonging to the poorest class, for Encouragement to Emigration; and from 400 Spirit Sellers in that city, to prevent Selling Spirits on Sundays.

Case of Nathaniel Cave.] Mr. *Easthope* wished to ask the hon. Gentleman, the Under-Secretary for the Colonies whether, as had been promised, any inquiry had been made into the case of Nathaniel Cave?

Mr. *F. Maule* said, that he had, by direction of the Secretary of State for the

Home Department, written a letter, requesting an explanation of the circumstances connected with the case of Nathaniel Cave. It appeared from the answer which he had received, that Mr. Mountain had done nothing against the law. It also appeared, however, that the laws in the House of Correction were extremely improper, as persons committed for trial were treated in the same way as persons convicted.

CASE OF MR. BRADSHAW—BEETROOT SUGAR—ADJOURNED DEBATE.] Mr. *Labouchere* moved the Order of the Day for resuming the adjourned debate on the question, that the petition of Mr. Hercules Bradshaw concerning the manufacture of sugar from beetroot be referred to a Select Committee. The right hon. Gentleman said, not having been in the House when the learned Member for Dublin moved for a Committee on the claim of Mr. Bradshaw for compensation for loss sustained by the levying of the duty upon the manufacture of beetroot into sugar, he begged now to state that a more groundless claim he never heard of; for what reason had Mr. Bradshaw to conclude that the Government would allow him to manufacture the sugar free of duty, when such heavy duties were levied on sugar for a revenue, and on foreign sugar for the protection of our colonial sugar.

Mr. *E. Tennent* thought Mr. Bradshaw's claim for compensation was a just one.

Mr. *O'Connell* said, the Government had allowed Mr. Bradshaw to go on for more than a year and a-half, and then suddenly came upon him; decidedly there was a case for inquiry at all events, and he should press his motion for a committee.

The House divided—Ayes 71; Noes 91: Majority 20.

List of the AYES.

Aglionby, Major
Archdall, General
Bagge, W.
Bailey, Joseph, jun.
Bellew, R. M.
Blackstone, W. S.
Brooke, Sir A. B.
Bruce, Lord E.
Canning, Sir S.
Castlereagh, Viscount
Cavendish, G. H.
Christopher, R. A.
Corry, rt. hon. H.
De Horsey, S. H.
D'Israeli, Benjamin
Douglas, Sir C.
Dunbar, George
Farnham, E. B.
Feilden, W.
Gore, O. J. R.
Gore, O. W.
Grimsditch, Thomas
Hamilton, Lord C.
Hardinge, Sir H.
Hastie, A.
Hayes, Sir E.
Hill, Lord A. M. C.
Hillsborough, Earl
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Houstoun, George
Howard, F. J.
Hughes, W. B.
Hume, J.
Hurt, Francis
Jackson, Sergeant
Jones, Theobald
Kemble, Henry
Lefroy, Dr. T.
Lincoln, Earl of
Litton, Edward
Lucas, E.
Mackenzie, W. F.
Maunsell, T. P.
Meynell, H.
Norreys, Lord
O'Brien, W. Smith
O'Connell, M. J.
Packe, C. W.
Palmer, Robert
Praed, W. T.
Rawdon, J. D.
Roche, W.
Rolleston, L.
Scarlett, J. Y.
Shaw, Frederick
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Somerville, Sir W.
Stuart, Villiers
Style, Sir Charles
Talbot, J. H.
Thornhill, George
Vere, Sir C. B.
Vigors, N. A.
Waddington, H. S.
Wood, B.
Yates, J. A.

TELLERS.

O'Connell, D.
Tennent, J. E.

List of the NOES.

Ainsworth, Peter
Alston, Rowland
Ashley, Lord
Baring, F. T.
Baring, W. B.
Barnard, E. G.
Barneby, J.
Benett, John
Berkeley, hon. H.
Bewes, T.
Blackett, C.
Bowes. J.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Busfeild, William
Byng, George
Calcraft, J. H.
Childers, J. W.
Clay, W.
Clive, E. B.
Cochrane, Sir T.
Cowper, hon. W. F.
Craig, W. G.
Divett, E.
Duncan, Viscount
Dundas, David
Edwards, Sir J.
Egerton, W. T.
Ellice, rt. hon. E.
Ferguson, Sir Robert
Fleetwood, H.
Gladstone, W. E.
Goulburn, Henry
Graham, Sir James
Greig, D.
Grey, Sir G.
Grote, G.
Hawes, B.
Hawkins, J. H.
Hodges, T. L.
Holmes, W. A'Court
Hoskins, K.
Howard, P. H.
Howick, Lord
Hutton, R.
Inglis, Sir R. H.
Irton, S.
James, William
Labouchere, H.
Lennox, Lord A.
Loch, James
Lushington, C.
Lygon, hon. Gen.
Macauley, T. B.
Marsland, H.
Maule, hon. Fox
Morpeth, Viscount
Murray, A.
Noel, Wm. M.
Palmerston, Viscount
Peel, rt. hon. Sir R.
Philips, M.
Phillpotts, J.
Protheroe, Edward
Pryme, G.
Rich, Henry
Round, John
Rundle, J.
Russell, Lord John
Rutherfurd, A.
Seymour, Lord
Sheil, R. L.
Smith, R. Vernon
Stanley, hon. W.
Stansfield, W. R. C.
Steuart, R.
Stewart, John
Strutt, Edward
Sturt, H. C.

Thornely, Thomas
Tufnell, H.
Turner, William
Wall, C. B.
White, A.
Williams, W. A.
Wilshere, W.
Winnington, Sir T.
Wood, C.
Wood, G. W.
Wood, Colonel T.

TELLERS.

Stanley, E. J.
Parker, J.

TURKEY AND EGYPT.] On the Order of the Day being moved for a Committee on the Customs Duties Bill,

Mr. *Hume* said, that as that bill imposed a taxation of more than 2,000,000*l.* upon the already impoverished people of this country, he would avail himself of the present opportunity to state his objections to the foreign policy of the Government, which was alleged as the cause for the necessity of that increased taxation. The people of England were going to be punished to support the policy which the British Government was erroneously pursuing with regard both to Turkey and to Egypt. If the policy of the British Government were erroneous, as he sincerely believed it to be, the House of Commons ought to withhold the supplies from that Government until it saw clearly what that policy was, and what object it was intended to attain. In the most gracious Speech which was delivered from the Throne at the commencement of the Session, Ministers claimed credit for the peace which had been maintained in the East, owing to the union of the Five Powers. The collective note of the Five Powers, delivered on the 27th of July, had prevented the Divan from concluding peace without their concurrence. He had, on a former occasion, made such comments as he thought fit upon that note; and the noble Lord had not felt himself in a situation to deny any of the positions which he had then laid down. All that the noble Lord had then said was, that he had been completely misinformed on all the points which he had noticed, and that he was consequently totally unacquainted with the policy pursued by the Five Powers. Since that time an important event had occurred. The French ministry had been changed. The French Chamber, before they would consent to vote the money which the new minister, M. Thiers, had called for, required him to declare explicitly the policy on which France was acting towards Turkey and Egypt. M. Thiers then stated what his policy was, observing that he had made it known to the British Government and to others, and added that France was strong enough to maintain it, whether the other Powers concurred with France or not. He would read to the House one or two sentences from the speech of M. Thiers, as reported in the *Moniteur*, to show how different was the policy professed by that statesman from that followed by the noble Lord, the Secretary of State for Foreign Affairs. He was sorry to say that we had estranged ourselves from France, that we had allied ourselves with the great enemy of Turkey, that we had joined in supporting the policy of Russia, and that in so doing we had promoted and forwarded the ambitious projects of that Power. For those projects we were now maintaining a fleet in the Mediterranean at the expense of half a million sterling a-year, and, instead of forwarding, we were positively preventing peace between Turkey and Egypt—which was essentially a Russian object. Now, if it were true that France had offered to withdraw ten sail of the line from the Mediterranean if we would do the same, it was quite clear that France had no idea of war or of the necessity of war. He, therefore, thought, that as the French Chambers had called upon M. Thiers, so the British House of Commons ought to call upon the noble Lord, the Secretary of State for Foreign Affairs, for a declaration of his policy before it voted the taxation requisite to support it. M. Thiers, in his address to the Chamber of Peers, on the 14th April, 1840, said—

> "The opinion of France is, that the independence of Turkey should be maintained; but by the word independence, we do not mean an impossibility. France believes, at least her cabinets have believed, that to maintain the Turkish empire, could not mean the restoration to the Turkish empire of all the provinces which have been successively detached from it; but we have thought, that to maintain the Turkish empire was to prevent any new dismemberment; and, if by the side of the Turkish empire a new empire had risen up which consented to the bond of vassalage which consented, as in other times, to be the faithful vassal of the Turkish empire—that if Egypt had succeeded better than Constantinople in arranging her finances and in creating an army which, though they do not resemble our finances nor our army, are yet superior to those of Constantinople, it would be a real service to the Turkish empire to give to it the Pacha of Egypt as an ally, for besides the Turkish empire, which might defend itself, you would have the rear guard of a powerful vassal, useful and able to support the Sultan in moments of difficulty."

The dispute between France and England upon this question seemed to be this: that the noble Lord, the Secretary of State for Foreign Affairs, insisted that the Divan should not make peace with Mehemet Ali, by yielding up to him Egypt and Syria. The noble Lord was willing to let the Divan yield up Egypt. France, however, was desirous that Syria, as well as Egypt, should be yielded up to Mehemet Ali, and that for Syria he should pay tribute, own his vassalage to the Porte, and consent to assist the Sultan, whenever he was required to do so. M. Thiers further said, that if the Powers should attempt to take Syria from Mehemet Ali, he would interfere on his behalf, and would prevent it from being taken from him. Such being the case, he thought that our Government was the cause of the present state not of peace but of suspended hostilities, and of the large naval and military establishments now kept up in the Mediterranean and along its coasts. He called upon the House, as it valued the interests of England, and those of free and liberal Governments, to act in concert with France, and to cease from being the ally of Russia. Why was there this difference of policy between England and France, the two countries, of all others, which ought to be united? He complained that the present policy of the British Government was hostile not only to a strict alliance with France, but also to the interest of Egypt, which we of all others ought to maintain. He maintained that, in the year 1833, the Sultan had given Mehemet Alia Syria as a Pashalic, and had afterwards given him Adana and other places as an appendage to it. He likewise maintained, that it was in consequence of the Sultan's having attempted to take back those provinces from Mehemet Ali, and of his having landed troops in Asia Minor to enforce his attempt, that Mehemet Ali had been compelled to put his own forces in motion, and that in the progress of events the Turkish fleet had deserted to him from the Sultan. What he further complained of was, that the policy of the British Government had not only stopped the negotiations for peace, but that when Mehemet Ali had offered to give back the Turkish fleet on certain terms, to be guaranteed by France and England, England had refused to guarantee those terms. The hon. Member read an extract from the speech of M. Thiers on the 14th of April last, but we could not collect even the substance of it. It was his opinion that it would not be in the power of France and England united to take Syria from Mehemet Ali, and as the sentiments of M. Thiers were in direct opposition to those of Lord Palmerston, it became a question of great importance whether we should persevere in our present erroneous course at so heavy an expense to the British people, and whether we ought not to promote an union between Turkey and Egypt, and allow the heavy armaments to be put down which were now kept up at an immense expense to every country. He understood that within the last six months Redschid Pasha had made a proposition for peace to Mehemet Ali, which would have been accepted, had not the British Government interfered to prevent it. These were points into which it was necessary that the House should inquire, before it gave the means of supporting so large a naval force as was deemed necessary to support our negotiations with Turkey and Egypt. He wished that the noble Lord would satisfy him and the country that he was proceeding in the right course. He would, in conclusion, ask the noble Lord the Secretary of State for Foreign Affairs, whether any proposition had been made to him from the government of France for the purpose of promoting peace and withdrawing the heavy armaments now in the Mediterranean?

Viscount *Palmerston* said, that his hon. Friend had placed him in considerable difficulty, by endeavouring to draw him into what he regarded as a premature discussion of the details of a negotiation which had not been concluded, and it would be very prejudicial to the public interests if he were to discuss it in the manner in which his hon. Friend had invited him. It would not be consistent with the public interests, with those interests especially of which the department over which he presided was charged with the conduct, to state to his hon. Friend all the particulars which he wished to know; yet he did feel it his duty to assure the House that almost every assertion which his hon. Friend had made as to the folly of the course pursued by this country, as to the communications which had taken place between this country and other powers, as to the conduct of her Majesty's Ambassador at Constantinople, and as to the desires and wishes of the Turkish government, were all founded on the most extraordinary misinformation, and he might really venture to say, that not one of them had the remotest resemblance to what had really taken place. The hon. Member had told the House, that the French government had notified to us, that they would have recourse to arms if we attempted to take Syria from Mehemet Ali. No such communication had ever been made to us by the French government. The hon. Member had also said, that the British Government had been informed, that if any attack were made by the British on the Egyptian fleet, it would be protected by the fleet of France. No such communication had ever been made. This method of denial came to almost the same result as that of assertion, and if he were to deny, and explain why he denied, all the information on which the hon. Member had proceeded, and which he was sure the hon. Member fully believed, he would be led very nearly to the point to which the hon. Member wished to bring him. He had denied the basis on which the hon. Member had founded his observations. The hon. Member said, the House had been called on to vote a very large amount of additional taxation, and that it was rendered necessary by the mistaken policy which he had endeavoured to pursue. Had the hon. Member forgotten that the great bulk of this increased taxation arose from measures which he himself had urged on the Government, and which he admitted were not founded on an erroneous policy? A great part of it arose from the reduction of the rates of postage; a great part of it also arose from the wants of the public service in Canada, and the question in which we had been involved with China; and a very small proportion of the whole amount now proposed to be raised was required, as the hon. Member wished to represent, for the service of the navy. But he would tell the hon. Member further, that the increased demand for the service of the navy did not arise, as he imagined, from the particular question now pending in the Mediterranean. The reasons which rendered it necessary were stated by Government when the condition of the navy was discussed. Larger supplies were required to place the navy on a footing more consistent with that which ought to be its standing with reference to the navies of the other great powers of Europe. So far was it from having been stated by the French government, as the hon. Member supposed, that if this question were settled ten French sail of the line would be withdrawn from active service, that he was not aware that the settlement of this question would lead to any reduction whatever in the aggregate amount of the French navy. He believed the contrary to be true;—he believed that if France and Britain were entirely agreed upon every matter of detail that could arise in connexion with this question, there would not be, as the hon. Member seemed to suppose, any reduction whatever in the naval force of France, and he said that, independently of the Eastern question. When we looked at the various important questions now pending in every quarter of the globe, and considered the amount of the naval armaments of other powers, it must be seen that a very small portion only of the increase of taxation had been called for owing to the state of affairs in Egypt. He objected no less strongly to the other principle which seemed to have furnished the staple of the reasonings of his hon. Friend. The hon. Member seemed to suppose that if he could show to the House that the French government or any French minister entertained a particular opinion on any question, it became a duty and obligation on the British Government immediately to adopt and follow that opinion in all respects. Now, no man in the House attached greater value than he did to the intimate alliance of Britain and France. He believed it was not more advantageous to the interests of the two countries than beneficial to the security of the peace of Europe; and since he had had the honour of holding his present office he had zealously endeavoured to promote the continuance of that alliance. On more than one occasion he had had to defend himself in that House against a charge of doing the very thing which the hon. Member thought he should now have done—that was placing the British Government entirely at the beck of France, and serving the interest of France, whether or not it was consistent with our own. On those occasions he had always stated that he thought nothing was more to be wished for the interests of both countries, than that the alliance should continue as long as it was consistent with those interests; but he had at the same time not concealed the consideration which must force itself upon every mind, that the two nations were too great, two powerful, and too high-spirited, and had too many important interests at stake, which each Government was bound in duty to protect, to allow of their being coupled in any such indissoluble bond as would induce them to follow each other's policy invariably. The Government of Britain should neither follow the policy of France, as contradistinguished from that of Britain, nor that of Prussia, nor that of Austria, but they ought to look to the interests of Britain, without paying any regard to the opinions that might be entertained by any foreign government or minister. The point was to show that any proposed policy was consistent with the interests of Great Britain, and if that could be made out, the denegation of it would become a matter of charge against a government. But the mere fact of a foreign minister holding a particular opinion on any point was no argument, and proved nothing as to the soundness of its policy. He utterly denied, and so far the House would believe him, that the French government had at any time intimated any intention of taking up arms against the other four Powers on this question. He was assuming the statement made by his hon. Friend to be correct, that France differed on some points from the other four Powers but he assured the hon. Member that he was mistaken if he thought that difference if difference existed, likely to lead to a war between Britain and France. He thought that was very improbable, independent of the other relations existing between Britain and France, which would be sufficiently strong to prevent the French government from breaking them, and rushing into the other extreme of hostility. Looking at the other great interests of France, and the questions she now had on her hands, it was not to be supposed that France would enter into a chivalrous crusade in defence of interests not her own, which she could not reconcile with the national faith and honour, and with the obligations she had entered into with the other Powers. The hon. Member had done him the honour of supposing that the collective note presented in July last to the Sublime Porte at Constantinople was entirely the work of his (Lord Palmerston's) own hand. The hon. Member said it was by that note that he had prevented an amicable arrangement being concluded between Mehemet Ali and the Porte. If the hon. Member supposed that we had such an entire influence and control over the other four great Powers, as to be able to persude them all, France included, to sign and deliver that note, he must admit that the hon. Member paid a compliment to the influence of the British Government. It was not for him to explain from what quarter the note arose. All he would say was, that the British Ambassador immediately and most cordially joined in it; but the suggestion did not come originally from him. The French government had never retracted or disowned that note, and when the hon. Member asked him to state to the House what had been the policy of Britain on this question he could only refer him to the speech from the Throne at the beginning of the Session, in which it was said that the integrity of the Ottoman Empire was an object which it was thought deserving of every endeavour on our part to defend. That opinion he still held, and the more he thought of it, the more satisfied he was that it was sound doctrine. He was fully persuaded that the interests of this country required the maintenance of the independence and integrity of the Ottoman empire, and that those interests would be sacrificed if the policy which the hon. Member wished for were to be adopted. The integrity of the Ottoman empire would at once be destroyed by the dismemberment of some of its most fertile and rich provinces, and consequently its independence would be reduced to the mere shadow of a shade. He was convinced that even taking that view, which was so much a favourite of the hon. Member, bearing on the naval expenses of the country, if what the hon. Member called peace, which was a mere surrender to Mehemet Ali, had taken place at the time mentioned by him, this country would have been compelled in order to prevent the consequences that would have ensued, to keep up a large naval force in the Mediterranean. Thus, as far as we were concerned, peace would have taken place without any of the advantages which peace ought to bring with it. He could not conclude without expressing a hope that we should be able to make some arrangement, in conjunction with the other powers of Europe, which would restore amicable arrangements between Turkey and Egypt, and prevent the recurrence of that unfortunate policy which once brought the Russian army to Constantinople, and if it were resumed, would in a short time bring another to the shores of the Bosphorus. He could only say, that when negotiations of this importance, complicated from their very nature, from the number of interests concerned and the distance which separated the Powers who were acting in them, were made the subject of discussion before they were finished, and when hon. Members, acting, like his hon. Friend on misinformation made statements which were entirely unfounded, and incorrect regarding those transactions, persons holding the situation he filled were placed in great difficulty. He might, perhaps, not have answered the expectations of his hon. Friend, and he was afraid he should not be able to do so until matters came to something more like a termination; but till that time he should be compelled to refuse to go into the points on which explanation was sought by his hon. Friend, and confine himself to setting him right as to the misinformation he had received. He trusted, however, that the House would not take for granted that the facts were as his hon. Friend had stated, for he could assure them that his hon. Friend had received the most extraordinary misinformation on all the material points to which in the course of his speech he adverted.

Mr. *Hume* wished to know if the British Government were acting in accordance with the French, as was stated in the Speech from the Throne?

Viscount *Palmerston* said, what the speech stated was, that the concord of the five Powers on the Belgian question had led to satisfactory results, and it was hoped that the same concord would bring the questions pending between Turkey and Egypt to an amicable termination. He had not abandoned that hope.

Order of the day read. On the question that the Speaker do leave the chair to go into Committee on the Customs' Duties Bill,

ASSESSED TAXES (IRELAND)]. Mr. *Christopher* rose, in pursuance of notice to move, "that it is the opinion of this House (as the people of Ireland do not contribute to the assessed taxes) that in any additional taxation that may be required to make up the deficiency of the revenue of the United Kingdom it is unjust and inexpedient to impose any tax which will fall exclusively on the people of Great Britain." He could not see the justice of such a partial system of taxation as that which the Chancellor of the Exchequer had adopted. He might come forward, as the representative of a large agricultural constituency, and say, that they were very little benefitted by the reduction of the penny postage, but would be exposed to much inconvenience by the increase of assessed taxes. The only ground which the Chancellor of the Exchequer could take was, that the people of Ireland were in such a state of poverty and distress that it would be wrong to impose on them the same amount of taxation as on other divisions of the empire. That was a very dangerous argument to introduce. But he would not waste the time of the House in dwelling upon arguments of this description, because he could show that the people of Ireland were as able as the people of England to contribute towards the taxation of the country. Now, if it could be proved that Ireland derived as much advantage from the colonies as England—and the colonies, it should be recollected, were a main source of the increase in our expenditure—and also that Ireland had derived a greater advantage than England from the Penny-postage Act, because she was brought into closer communication with the commercial towns of England, then it would follow, that the right hon. Gentleman had introduced principles of taxation which were partial and unfair. He wished to call for an expression of opinion on the part of the House, that the system proposed by the Chancellor of the Exchequer was unjust and inconsistent. He could show that it was so, for he held in his hand a convincing proof of the increasing prosperity of the people of Ireland. Ireland might be looked upon as a purely agricultural district, and if he could show from official returns that the agriculture of Ireland had increased since the union to an amazing extent, that was a sufficient proof of the increasing prosperity of the people of Ireland. He held in his hand a return of the exports of every description of grain shipped from Ireland from the year 1800 to the year 1839. In the year 1801 the quantity of grain of every description exported from Ireland was 525 quarters; in 1802, the year after the union, the quantity exported was 461,371 quarters; in 1810 the quantity had increased to 631,227 quarters; in 1820 the exports were 1,415,722 quarters; in 1830 they had increased to the extent of 2,215,521 quarters; in 1835 the exports were 2,679,000 quarters; in 1836, 2,900,000 quarters; in 1837, 3,030,000 quarters; and in 1838 they were 3,474,000 quarters. Thus it was evident, that in the last thirty-eight years the quantity of grain exported had increased from 525 quarters to the enormous extent of 3,474,000 quarters. He thought that there could not be a greater proof than this of the increasing prosperity of that country, and he believed that if Ireland were free from the continual state of agitation which was now kept up there, there would be very little difference in the condition of the people of England and Ireland. He was convinced, that whatever might be the motives by which the Chancellor of the Exchequer had been influenced in proposing his plan, the people of England and Ireland would attribute it to the important support which the Government received from the Irish Members in that House. He thought that he should not have done his duty towards his constituents if he had failed to bring this question under the consideration of the House, and he should conclude, therefore, by proposing the resolution which he had already placed in the Speaker's hands.

Mr. Sergeant *Jackson* said, that it was very far from his intention to rise for the purpose of seconding the motion of his hon. Friend. There was very little indeed of what had fallen from him in which he could concur; but he could concur with him on one point, and that was, that in his opinion the mode by which the Chancellor of the Exchequer proposed to supply the deficiency in the revenue was a partial one, but it was by no means partial towards Ireland. He conceived that the mode adopted was both unjust and inconsistent. The assessed taxes had indeed been remitted to Ireland, but it was not from any feeling of liberality, but because those taxes had not been productive. An immense staff was necessary for their collection, and he believed that the income received was exceedingly small, and that was the ground on which the remission had been made. But his hon. Friend had said, that Ireland had been benefitted by those causes which had led to the present deficiency. His hon. Friend said that Ireland derivd very great advantage from the colonies. Now, could any assertion be more extravagant than this? Ireland had no import or export trade with the colonies. He admitted that she received benefit from emigration, but England received as much. As to trade, however, with the colonies, Belfast was almost the only town in Ireland which carried on any foreign trade worth speaking of. His hon. Friend said, that taxation ought to be imposed equally on the two countries. Was his hon. Friend aware of the mode in which spirits were taxed by the plan of the right hon. Gentleman? The duty would operate much more oppressively on Ireland than either Scotland or England. An equal duty of 4*d.* per gallon was to be laid on spirits of all kinds. Now, the present duty on French brandy was 22*s.* 6*d.* per gallon, and the increased duty would only be 1½ per cent. On the spirits distilled in Ireland the duty was now 2*s.* 4*d.*, so that an increase of 4*d.* per gallon would amount to 14½ per cent. The duty on English spirits was 7*s.* 6*d.*, and the proposed increase would only amount to 4½ per cent. This, therefore, afforded a just ground of complaint on the part of Ireland, and he submitted that he had clearly made out, that though the mode by which the right hon. Gentleman proposed to supply the deficiency was a partial one, the partiality shown was not in favour of Ireland.

Mr. *O'Connell* said, that the hon. Gentleman seemed disposed to regard Ireland, in one respect, as an English country—but had Ireland the same privileges—had she the same franchises—had she the same liberties, as if she were an English country? The hon. Gentleman would, indeed, give to Ireland an equality of burdens with England, but he would at the same time deny to her an equality of rights. The hon. Gentleman would give an equality in the burden, but an inequality in the relief. The financial was a different question from the political, and yet by the Union they were to be secured an equality of political rights, while they were told that they were to be free from an equality of fiscal burdens. But, then, the hon. Gentleman talked of the prosperity of Ireland! He said that Ireland was prosperous because it exported the prime necessaries of life! Now, if the hon. Gentleman spoke of its imports, it would then be known that the country was prosperous, because it was a consumer of those necessaries of life. On the contrary, it was a proof of the poverty of the people. Did the manufactures of England go to Ireland in return for their exports, or did money return to Ireland for them? No; the provisions went to Liverpool—they were turned into money, and it was sent to the banking-house of the absentees. And it was for this cause that the hon. Gentleman talked of the prosperity of Ireland! The hon. and learned Member for Brandon had truly said, that the assessed taxes were given up in Ireland because they were not productive. But, now, let them look a little closer to this question. Since the peace the amount of taxes reduced in England was 40,000,000*l.* and in Ireland but 1,000,000*l.* including even this miserable portion of the assessed taxes. On one article—that of spirits, the hon. and learned Member for Bandon had shown what was the proportion of the rise. Taking it in round numbers, the rise on English spirits was 5 per cent.; on Scotch 10 per cent.; and on Irish 15 per cent. This, then, was the partial taxation of which the hon. Gentleman complained, as unfavourable to England, and favourable to Ireland! He admitted that the duty was smaller on Irish spirits, and that it was in the same money the calculation was made. But, why was the duty smaller? Was it as a matter of favour to Ireland that it was smaller? No; but because the smuggler had corrected the Chancellor of the Exchequer, and it was to make it productive to the revenue that the small duty was imposed and substituted for the large duty. In England, the spirits were allowed to be transferred to the rectifying distiller without paying duty. It was not necessary that it should pay duty on leaving the King's stores, as in Ireland; and at ihe time that it was announced that the new taxes should be imposed, it happened, by a very fortunate accident, that there was no stock of spirits in Scotland, there was no stock in England, and there was an enormous stock in Ireland. In the latter place it arose from two causes; first, the badness of corn last season, and next the cessation of the use of spirits, owing to the exertions of Father Mathew. There would then, of course, be a great deal of taxation on the spirits in Ireland; while there was scarcely any stock in Scotland, and he was assured that there was none in England. This was a very fortunate accident both for Scotland and England. If hon. Gentlemen would look into this subject (and he trusted that they would, now that the question had been mooted by the hon. Gentleman opposite) they would find that the grossest wrong and the greatest injustice had been done to Ireland on the subject of taxation. What was the relative state of the debts of the two countries at the time of the Union? Ireland then owed 20,000,000*l.* and England owed 446,000,000*l.* Now, England had had a bonus of ten millions on this. The debt of Ireland, as to that of England, was as one to twenty-two, and that was the proportion of the burden which she ought to have borne; but instead of being as twenty-two to one, it was as eight and a half to one. Lord Castlereagh made these flourishing premises on the subject on the 5th February, 1800.

"In respect to the past expenses, Ireland had no concern whatever with the debt of Great Britain, but the two countries were to unite as to future expenses, on a strict measure of relative ability. He should have considered it a most valuable circumstance in this arrangement if the countries could have been so completely incorporated as not to have had distinct revenues, a part of the system of the Scots' union, which had been felt to be of such importance that a great effort was made to equalize the circumstances of the two countries for that purpose. England had a large debt, Scotland had none charged upon her revenues; an accurate calculation was made of the sum to be paid to Scotland, to justify her in accepting her share of the debt, and the sum was paid accordingly by England. The taxation of the two countries was accordingly fixed at the same proportion, except in the instance of the land-tax, which was fixed at a different ratio, because the land-tax in England was imposed so unequally, that had Scotland paid in the same rate as the nominal tax of England, she would really have been taxed much higher than her just proportion. He mentioned this to show the pains that had been taken to incorporate the two countries, as well in point of finance as other circumstances; but in the present situation of these countries, this part of the system could not be adopted. Great Britain now paid in taxes for interest on her debt ten millions annually (it was nearly 17,000,000*l.* for funded and unfunded debt in the January of the next year, according to the Parliamentary papers endorsed to be printed 15th April, 1824,) for any proportion of this she could not call upon Ireland, nor could she offer, as in the case of Scotland, any equivalent; it was, therefore, necessary, that the respective debts of the countries should remain distinct, and of course, that their taxation should continue separate."

See, then, how far the premises of Lord Castlereagh were realised. By the Parliamentary paper ordered to be printed on the 15th April, 1824, it appears that the amount of the funded and unfunded debt of Great Britain, and the annual interest payable thereupon, were, in January, 1801, or when the act of union became first operative, as follows:—

BRITISH DEBT AT THE UNION.

Funded debt . .	£420,305,000
Unfunded debt . .	26,080,000
Total debt . .	£446,385,000

ANNUAL INTEREST.

Charge of funded debt .	£15,800,000
Ditto of unfunded . .	1,021,000
Total charge .	£16,821,000

Thus it appears that the amount of revenue Great Britain was compelled exclusively to raise at the union was nearly 17,000,000*l.* in a single year. There being a junction of debts, and a power to levy indiscriminate taxation, Great Britain does not now raise 17,000,000*l.* exclusively, or, as far as can be conjectured, 7,000,000*l.* According to the finance accounts of the last year, the following were the items of her separate taxation:—

Land and assessed taxes .	£3,939,000
Bricks	463,000
Soap	782,000
Post-horse duty . . .	224,000
Total . .	£5,408,000

In certain stamp duties and home-made spirit duties there is a higher rate of taxation in England than in Ireland. Its produce is at present uncertain, but should be ascertained. Assuming it to add a fourth to the foregoing items, the total is 6,775,000*l.*, which leaves a balance of relief from exclusive taxation to Great Britain exceeding ten millions annually. Thus it was that the promise and the pledge of Lord Castlereagh were redeemed. Here was a plain and a palpable wrong done to Ireland; and yet with the fact falsified by Lord Castlereagh of what it was that England was liable to pay, it being 17,000,000*l.* and not 10,000,000*l.*, as he had stated, the hon. Gentleman, perceiving this, talked of both countries being equally taxed. Now, when the union took place, the first thing that was done was to raise the taxes as rapidly as possible. The report of the select committee on the income and expenditure of Ireland, which was ordered to be printed on the 19th of June, 1815, would show how a united Parliament dealt with Ireland, for it would be found that that report said this:—

> "Your committee cannot but remark, that for several years Ireland has advanced in permanent taxation more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, and including the extraordinary and war taxes; the permanent revenue of Great Britain having increased from the year 1801, when the accounts of both countries were first made to correspond in the proportion of 16½ to 10—the whole revenue of Great Britain, including war taxes, in the proportion of 21¼ to 10, and the revenues of Ireland in the proportion of 23 to 10. But in the twenty-four years referred to by your committee, the increase of Irish revenue has been in the proportion of 46¾ to 10."

But let him now refer to the opinion of the chief governor of Canada, Mr. Thomson, who, on the 26th March, 1830, in moving for a Select Committee for a revision of taxes, said:—

> "A case is established in the instance of Ireland, which was written in characters too legible not to serve as a guide to future financiers—one which ought to bring shame upon the memory of its authors. The revenue of Ireland, in the year 1807, amounted to 4,378,000*l.*; between that year and the conclusion of the war, taxes were successively imposed, which, according to the calculations of Chancellors of the Exchequer, were to produce 3,400,000*l.*, or to augment the revenue to the extent of 7,700,000*l.* What was the result? Why, that in the year 1821, when that amount, less about 400,000*l.* for taxes afterwards repealed, ought to have been paid into the Exchequer, the whole revenue of Ireland amounted only to 3,844,000*l.*, being 533,000*l.* less than in 1807, previous to one farthing of these additional taxes having been imposed. Here is an example to prove that an increase of taxation does not tend to produce a corresponding increase of revenue, but, on the contrary, an actual diminution."

In 1821, however, the Irish revenue fell to 3,844,000*l.*, which proved that the English Government had put burden upon burden upon Ireland, until she actually broke down under the load. Then, with regard to the balance arising from the remittance of public money, to and from the Irish and British Exchequers, he held in his hand a Parliamentary document, dated the 24th of August, 1833, from which it appeared, that from 1796 to 1800 there had been a balance of 435,637*l.*, and up to 1833 a balance of 11,389,178*l.* in favour of Ireland. He would now beg the attention of the House to an extract from the report of the committee of 1814:—

> "Your committee have employed a considerable portion of their time and attention in the investigation of the expenditure of the United Kingdom, with a view to the settlement of the account of proportionate contribution between the two countries. They have not yet the means of stating an account with so much exactness as to serve as the foundation of a definitive settlement between Great Britain and Ireland, as the accounts which they have directed to be made up in Ireland are not yet completed. While they have been in preparation your committee have to state that they could not be more usefully employed during those several sittings than in discussing and settling, subject to the final judgment of Parliament, the principle by which the account ought to be regulated, with respect to certain articles as to which the sense of the Act of Union appeared to admit of question. With respect to these points your committee are of opinion, that in the adjustment of the payments made on account of the joint charge of Great Britain and Ireland, the payments made from the consolidated fund (Ireland), since the union, under the act of 40 George 3rd, ch. 34, so far as relates to any composition to any bodies corporate or individuals, in respect to any city or borough which may have ceased to send Members to Parliament in consequence of the union, should not be a joint charge."

This "joint charge," the gentle name intended to include the bribing money, with which the Act of Union was purchased, amounts to 1,275,000*l.*; and the sole payment of this sum was cast, as it were, as a brand of infamy upon the people of Ireland. According to Lord Castlereagh, there were seventeen millions which ought to be paid by the people of England, the people of Ireland being left untouched; whereas he had shown that the people of Ireland paid ten millions to England's seven millions. All he asked for the people of Ireland was, that if they were to be thus taxed, they should, at least, have the credit of it, and enjoy equal rights in every respect with the people of England.

Mr. *Lucas* said, that Ireland was already sufficiently taxed, and he thought the proposition of the hon. Member would be unproductive of any real good, he could not support it.

Colonel *Conolly* expressed his regret at being compelled to differ with the hon. Member for Lincolnshire, but he must do so upon this occasion. The assessed taxes in Ireland had not produced more than 120,000*l.*, while they cost 70,000*l.* in the collection. Then, again, with regard to the duty on spirits, the abatement of that duty from 6*s.* to 2*s.* 4*d.* per gallon was found to have a most beneficial effect, inasmuch as it very nearly extirpated the illicit trade. He trusted, that the Chancellor of the Exchequer would bear that latter fact in mind, and that the House would see that no advantage could possibly arise from laying fresh taxation upon Ireland.

Colonel *Sibthorp* said, he had felt it his duty to second the motion, and after listening to the speeches of hon. Members on both sides of the House, he must say that the motion had not been fully and fairly discussed. These hon. Gentlemen, who came from the other side of the channel had carefully watched their own interests, and showed zeal for their country; but all parties had suffered the right hon. the Chancellor of the Exchequer to escape both on this and on former occasions. The right hon Gentleman, ay, the whole of the Ministers ought to be told, that they had no business to entail upon either England or Ireland any new tax at all. The statement of the Chancellor of the Exchequer showed that there had been gross mismanagement of the finances of the country, and hence had arisen the necessity for this new taxation. He was astonished to see the public money voted away in so thin a House. To be sure, hon. Gentlemen pleaded that it was their dinner hour, but let them remember that they might deprive many a poor man of his dinner. He observed a noble Lord smiling. Why, did not the noble Lord know that very often there was not a single Minister in his place to answer a question? He was sorry that steps were not taken to oust such Ministers altogether. Some people might say we cannot find better. One thing he knew, it was impossible to find worse. They had got into place and power by professing to be friends and promoters of economy and retrenchment. What taxes had they reduced? Why, the duty on balsam of copaiba, and on shepherd's dogs, and such like trumpery matters. The right hon. Gentleman knew that the increase of taxation was only the beginning of the mischief. He could foretell that in the next Session of Parliament 3,000,000*l.* or 4,000,000*l.* more would probably be demanded. And all this was the consequence of the mismanagement of the finances of the country during the last six or seven years. Instead of retrenchment, the present Ministers had favoured the country with the grossest extravagance. Look at their commissions. Why, 119,000*l.* went in one year for new commissioners, who, he believed, were chiefly employed in doing nothing. Well, the consequence was, that there must be an increase of public taxation. But why did they tax the poor, and not the rich? He wanted to see 10, or 20 or 30 per cent. laid upon all salaries of 800*l.* per annum and upwards, and not upon the poor under clerks. The noble Lord, the Secretary for Ireland, then might be made to contribute his share to the public burdens, for he received a very good salary, although he spent half his time in cutting capers and dancing quadrilles. Oh, he did not blame the noble Lord for that; he was fond of dancing himself. But if the noble Lord was wanted in Ireland, why did he not go thither? and if not, if a deputy could do his duty there, why was not his deputy better paid, and he compelled to pay a per centage upon his income. He thought a small absentee tax upon some persons would have a very wholesome effect. He regretted that the Chancellor of the Exchequer had not taken a better mode of increasing the revenue. It must be increased, it appeared, but the right hon. Gentleman did not seem to care how, so the poor were to be taxed as heavily as the rich. He did not wish to say anything rude of the right hon., the Chancellor of the Exchequer: he believed him to be a very good man in private life, but he was wholly unfit for his present office, and knew not how to manage the finances of the country. He did not think it was quite fair to saddle this country alone with the proposed increase of taxation. He could not acquit her Majesty's Ministers of partiality in this or in other matters in which Ireland was concerned. He perceived that they were the complete slaves of the hon. and learned Member for Dublin. He saw that they watched his eye, and his every feature, and were entirely at his control. His nod was positive law to them, and they were nothing more nor less than his absolute slaves. That state of things might not be agreeable to some of them, and he confessed that he wished he could see a division amongst them, as it would be a sign of their breaking up. Whatever became of the motion, he was satisfied that he and the hon. mover had done their duty to their constituents.

Mr. *Humphery* wished to asked the right hon. Gentleman whether gentlemen who came from Ireland, bringing their own carriages, horses, servants, &c. with them, were exempt from the payment of assessed taxes while they remained in this country?

The *Chancellor of the Exchequer* replied, that they were protected under a special act; but gentlemen arriving earlier than the opening of the Parliamentary session, and staying after its close, would be liable.

Mr. *Humphery* thought it a hard case upon English gentlemen that Irish gentlemen should be thus exempted, and on bringing up the report he should move the insertion of a clause for the purpose of taxing the horses and carriages of Irishmen resident in England to the same extent as the horses and carriages of Englishmen were taxed, which was not the case at present.

Mr. *J. Jervis* thought this was a proper subject for inquiry, as the first step to equal justice to Ireland, for he could not see why Irishmen living under the protection of British laws should not be taxed to an equal extent with Englishmen. He could not understand what objection there could be to equal taxation. If, however, this motion came to a division now, he was afraid the minority would be such as to compromise the question in some degree, and he therefore hoped it would not be pressed at present.

Mr. *D. Browne* said, that if the hon. Alderman near him (Alderman Humphrey) proposed to tax Irishmen residing in England higher than Englishmen, he should be glad to second that motion, as such a course would, he hoped, have the effect of inducing Irishmen to reside in their own country, and to spend their money there.

The House then divided, when there appeared—For the motion 11; Against it 86: Majority 75.

List of the AYES.

Aglionby, Major
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Benett, J.
Bernal, R.
Bewes, T.
Blake, M. J.

Blake, W. J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Browne, R. D.
Bruges, W. H. L.
Bryan, G.
Busfeild, W.
Butler, hon. Col.
Callaghan, D.
Collier, J.
Corry, hon. H.
Courtenay, P.
Damer, hon. D.
Dundas, D.
Ewart, W.
Ferguson, Sir R.
Fleetwood, Sir P.
Fort, J.
Goulburn, H.
Greig, D.
Grote, G.
Hall, Sir B.
Hamilton, Lord C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayes, Sir E.
Hobhouse, T. B.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hurt, F.
Hutton, R.
Jackson, Serg.
James, W.
Kemble, H.
Labouchere, rt. hn. H.
Lefroy, T.
Litton, E.
Lucas, E.
Maule, hon. F.
Morpeth, Viscount
Norreys, Sir D. J.
O'Brien, W. S.
O'Ferrall, R. M.
Ord, W.
Parnell, Sir H.
Pendarves, E. W.
Philips, M.
Pigot, D. R.
Russell, Lord J.
Rutherford, rt. hon. A.
Salwey, Col.
Seymour, Lord
Sheil, R. L.
Sinclair, Sir G.
Slaney, R. A.
Somers, J. P.
Stansfield, W. R.
Stewart, J.
Stock, Dr.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Troubridge, Sir E.
Tufnell, H.
Turner, E.
Vigors, N. A.
Vivian, J. E.
Williams, W.
Williams, W. A.
Wood, C.
Wood, B.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, hon. E. J.
Parker, J.

List of the NOES.

Arbuthnot, H.
Fielden, J.
Hector, C. J.
Humphrey, J.
Lockhart, A.
Mackenzie, T.
Marsland, H.
Polhill, F.
Rickford, W.
Rundle, J.
Smyth, Sir G. H.

TELLERS.
Christopher, R.
Sibthorp, Col.

CUSTOMS DUTIES.] House in committee on the Customs Duties Bill.

On the first clause—

The *Chancellor of the Exchequer* said, he would avail himself of that opportunity to state the course which he intended to pursue with respect to Baltic timber, which was one of the articles affected by this bill. He had received many communications on the subject, and he had endeavoured to ascertain the real facts of the case by every means in his power. He was bound to say, according to the best information which he had been able to obtain from those for whose opinions he had the highest respect, that the effect of any addition to the present duty on Baltic timber would not only be injurious to the trade, but would also tend to diminish, instead of increase, the revenue of the country. The duty on Baltic timber at present was 55*s.* a load, and on Canadian timber it was only 10*s.*; so, that if by an increase of the duty on Baltic timber he should prevent the introduction of one load from the Baltic, to be supplied from Canada instead, it was clear that he should lose the difference between the amount of duty on a load of Baltic and a load of Canadian timber. It was not his intention, however, to postpone the present bill. He should go on with that measure, but it was his intention to bring the article of timber separately under the consideration of the House, with the view of getting the same amount of revenue from that article as at present, which, in fact, he could not give up, but he would not attempt to obtain that amount by a per centage on the present duty, but by assimilating the duty in certain cases between Baltic and Canadian timber. He would not then enter into details, but by the end of the week he would be prepared to state the plan he proposed to adopt for levying the revenue from timber.

Mr. *Grote* was glad to hear that it was the intention of the right hon. Gentleman to alter this bill so far as it related to Baltic timber. He was sure if an increased duty was placed on timber from the Baltic, as was originally proposed, that such a course would not only cause a serious loss or ruin to many persons engaged in the trade, but would also have the worst effect upon the revenue. He was, therefore, happy that an alteration in respect to timber was to be made in the bill.

Mr. *Goulburn* said, that if the right hon. Gentleman admitted a distinction with respect to timber from the fear that an increase of duty would cause a loss to the revenue, he would warn the right hon. Gentleman that the same principle would be found to apply to other articles, and that he would be asked to make other exemptions from the operation of this bill. For himself, if timber were exempted, he should feel considerable difficulty with respect to spirits, on which the difference of the duty was far greater than on timber. With respect to the differential duties between Canada and other timber, he should not give an opinion; but if there was any intention to deprive Canada timber of the advantage it had enjoyed, there never was a time when it was less called for than when we were trying to adjust the differences with Canada, when, whilst we persevered in maintaining our rights, it should be our object to do every thing that would conciliate the colony.

The *Chancellor of the Exchequer* wished it to be distinctly understood that it was not at all with reference to an alteration of the scale of duties that he made the proposition; so far from it, that he believed that by the alteration he should propose, he should leave the question which had been mooted, and respecting which a great variety of opinions prevailed, in a better state for Canadian interests; for he was satisfied, from the communications he had received, that the additional burthen which by the bill he originally had imposed on Baltic timber would have caused more difficulty and doubt than by the course he now proposed to take.

Mr. *A. Chapman* said, the object of the differential duty had been, not to put one penny more into the Exchequer, but to give employment to 1,000 ships, and 15,000 seamen, at a time when they were debarred from employment in the Baltic. This was the consideration which had induced the Timber committee to come to the resolution, and he thought no measure had been more satisfactory to the country generally than the present scale of duties. Timber was an article of such importance to us, that we must draw it from every part of the globe.

Mr. *Hawes*, as one of that committee, must say, that the present scale of duty was considered unfair and unequal, and a reduction had been recommended. He regretted that the Chancellor of the Exchequer could not now state the course he intended to take; it was of great importance that the trade should know it.

Mr. *Hume* was surprised that the hon. Member for Whitby should have stated, that the present scale of duty was satisfactory; every consumer of timber disapproved of it. He hoped the time was not far distant when the Chancellor of the Exchequer could equalize the duty, and thereby increase the revenue.

Mr. *Kemble* agreed with the right hon. Gentleman (Mr. Goulburn) that this would be an inauspicious moment to deprive Canadian timber of any advantage. With respect to the proposition of the Chancellor of the Exchequer, a person largely concerned in the timber trade with the Baltic, as well as Canada, had stated to him, that the proposed alteration would diminish instead of augment the revenue. He wished to ask the right hon. Gentleman if he contemplated any further alteration in the bill, or intended to adhere to it with this single exception?

The *Chancellor of the Exchequer* said, he did not intend to propose any other alteration in the bill except verbal alterations, and if any should be proposed, he meant to oppose them.

Mr. *W. Attwood* said, the bill was so unfair and unequal in its operation, that he could not believe the House would adopt it without further alteration. In the clause before the Committee the original proposal of the Chancellor of the Exchequer was, that the additional duty should be levied from the 15th of May, but he submitted, that although that arrangement might seem to be fair, it inflicted a hardship on parties dealing in the articles. Though there was a proviso with respect to contracts, yet there might be virtual agreements made, which would not have the benefit of the clause. Instead of fixing a particular day when the duty should commence, the fairest way would be to levy it from and after the passing of the bill. It was bad both in principle and practice to charge the duty from the passing of the resolution of this House.

Mr. *Hume* said, the Chancellor of the Exchequer ought to give a schedule to show how the five per cent. would bear upon particular articles.

Captain *Jones* rose to propose certain amendments, limiting the increase of duty on Scotch and Irish spirits to five per cent. on the existing duties. He did not propose to interfere with English spirits, rum and brandy; Irish spirits, or Scotch spirits, coming to England would be subject to the 4*d*. duty. He was bound to give some reason, and it was this—that Irish spirits were taxed to the utmost at present. The reports of the commissioners on the subject of Irish excise showed beyond the least possibility of cavil, that

Irish spirits had already been taxed to the utmost. If the present duty were augmented, the effect would not fail to be an increase of illicit distillation. In another point of view, he wished the House to look at the probable effect of such a proceeding. A general complaint would be raised, that justice had not been done to Ireland. For some time past it had been found impossible to levy assessed taxes upon Ireland, and he did not hesitate to say, that any attempt to levy them there must be unsuccessful. For these reasons he proposed to leave out the words "United Kingdom," and should that proposition be agreed to, he intended to propose such additional words as might be necessary for carrying the object which he had in view into effect.

Mr. *Lucas* observed, that by some means or other the English distillers obtained information beforehand, which enabled them to get rid of their stocks of spirits, and the result would be, that not 500*l.* in duty would be collected in England during the present year. By some arts of divination the Scotch distillers arrived at the same knowledge, but the Irish distillers remained in ignorance, retained their stocks on hand, and were therefore in great danger of losing severely. The measure would therefore be an *ex post facto* law.

The *Chancellor of the Exchequer* was understood to say, it was impossible, that any of the parties concerned could have obtained the least information upon this subject one hour earlier than the others. Knowing the state of the revenue, it was perfectly natural, that persons engaged in the manufacture of spirits should anticipate the possibility of being subjected to increased taxation, and, apprehensive that they could not escape the Chancellor of the Exchequer, took their measures accordingly. The question which the House had to decide was, whether there should be a per centage or not. Now, he contended, that spirits were a very proper object of taxation, and then the only practical question which remained was, whether 4*d.* would be too heavy. On this point he arrived at a different conclusion from that put forth by the hon. Gentleman opposite. The present duty was 2*s.* 4*d.* From 1831 to 1834 it was 3*s.* 4*d.* He was far from saying, that it would now be expedient to bring back the amount to 3*s.* 4*d.* by the addition of 1*s.*, but what he proposed to do was, to raise it from 2*s.* 4*d.* to 2*s.* 8*d.*, not 2*s.* 10*d.*, as in the year 1826, yet it was worthy of observation, that when the duty was 2*s.* 10*d.* the revenue was a rising revenue, at the same time that he thought the addition of 1*s.* would now make it a falling revenue.

Mr. *Goulburn* said it was true, that in 1830 the duty was 2*s.* 10*d.*, and the revenue was then rising. An impression at that time prevailed, that the remission of 6*d.* would put an end to illicit distillation, but the change which then took place had not produced the effect which had been expected. Although he could not profess himself favourable to the proposal of the right hon. Gentleman opposite, he felt, that not possessing the official information which was accessible to him, he (Mr. Goulburn) ought not to oppose the measure which had been submitted to the House by her Majesty's Government, nevertheless, he felt all the responsibility with the right hon. Gentleman.

Mr. *Callaghan* said, it was quite clear, that the English and Scottish distillers were not likely to suffer, whereas the Irish had not been aware of the measure intended. There was not less than 20,000 puncheons of spirits now on the hands of the distillers in Ireland which would be affected by this proposed increase of duty, and he would contend, that never had there been any duty which was so unpalatable to the capitalists in spirits in Ireland as this would be. The unanimous opinion in that country was, that the additional duty would not be of any advantage to the revenue, but that, on the contrary, it would encourage illicit distillation. He therefore hoped the Chancellor of the Exchequer would not press the proposition he had made.

Mr. *Home Drummond* was of opinion, that if the additional duty of 4*d.* per gallon did not answer the object that was in view, the Government would then find it necessary to take off a larger sum than was now added to the rate of duty. He should support the amendment.

Mr. *Plumptre* supported the proposition of the Chancellor of the Exchequer, and would have been better pleased if a heavier duty on spirits had been proposed, so that the system of gin drinking might be checked.

Sir *Robert Ferguson* could not support the proposed increase of duty, as in his opinion it would give a great stimulus to smuggling, to the great injury of the country.

Mr. Sergeant *Jackson* deprecated the plan, as falling more heavily on Ireland and Scotland than on England, and, as the Chancellor of the Exchequer had listened to reason on one item of his proposed taxation—namely, the timber trade—he hoped he would also take into consideration the inequality with which this tax would bear on the three kingdoms.

Mr. *R. Steuart* had no fear of this additional tax leading to smuggling in Scotland, as that system had received a most effectual check by the last enactment on this subject.

Mr. *Shaw* so far agreed in opinion with the hon. Member for Kent, that if he thought an increased duty would lead to a diminution in the consumption of spirits, he would give his vote in favour of the additional rate, but as he believed, that it would not have that effect, and that on the contrary it would encourage illicit distillation, he should vote for the amendment of the hon. Member for Londonderry.

The Committee divided on the question that the words "United Kingdom" stand part of the Clause:—Ayes 97; Noes 26: Majority 71.

List of the AYES.

Adam, Admiral
Aglionby, Major
Attwood, W.
Bailey, J., jun.
Baring, rt. hon. F. T.
Barnard, E. G.
Benett, J.
Blake, W. J.
Bowes, J.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Bruges, W. H. L.
Bryan, G.
Buller, E.
Busfeild, W.
Childers, J. W.
Clay, W.
Clive, E. B.
Collier, J.
Courtenay, P.
Elliot, J. E.
Ellice, right hon. E.
Euston, Earl
Fector, J. M.
Filmer, Sir E.
Fort, J.
Gaskell, J. Milnes
Grey, right hon. Sir C.
Grey, right hon. Sir G.
Hall, Sir B.
Hayter, W. G.
Hector, C. J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Hoskins, K.
Howard, P. H.
James, W.
Jervis, S.
Kemble, H.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, C.
Lushington, C.
Lushington, S.
Macaulay, T. B.
Marsland, H.
Martin, J.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
O'Ferrall, R. M.
Ord, W.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pendarves, E. W.
Phillpotts, J.
Pigot, D. R.
Plumptre, J. P.
Price, Sir R.
Pusey, P.
Rawdon, Colonel
Rickford, W.
Rolleston, L.
Round, C. G.
Rundle, J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Colonel
Seymour, Lord
Sheppard T.
Slaney, R. A.
Smith, R. V.
Smyth, Sir G. H.
Steuart, R.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Wakley, T.
Walker, R.
White, A.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, Colonel
Wood, B.
Yates, J. A.

TELLERS.
Gordon, R.
Parker, J.

List of the NOES.

Arbuthnott, H.
Barry, G. S.
Bodkin, J. J.
Bridgeman, H.
Callaghan, D.
Corry, hon. H.
Damer, hon. D.
Evans, G.
Ferguson, Sir R.
Godson, R.
Gordon, Captain
Hamilton, Lord C.
Hayes, Sir E.
Hope, hon. C.
Hughes, W. B.
Jackson, Sergeant
Lowther, Colonel
Lucas, E.
Mackenzie, T.
Maher, J.
Martin, T. B.
Round, J.
Shaw, F.
Vigors, N. A.
White, H.
Young, J.

TELLERS.
Jones, Captain
Drummond, H.

Clause agreed to.

On Clause 7,

Mr. *B. Wood* rose to propose the omission of a clause. Its effect was, to impose the extra duty upon the buyer, where a contract for the sale of goods was not completed at the time fixed for the act to come into operation. This would operate very unjustly where the bargain was made upon the understanding, that the duty was included in the price.

The *Chancellor of the Exchequer* said, it was difficult to frame a provision which should not in some individual cases produce hardship, but a similar clause had been introduced into other acts by which duties had been increased, and upon the whole it appeared fairer, that the buyer should pay the extra duty, which was not taken into account when the bargain was made.

Clause agreed to.

On Clause 8,

Captain *Pechell* proposed to add a proviso, excepting windows from the proposed additional tax of 2*s.* in the pound.

He could not agree in the statement which was often made, that this tax affected mainly the more opulent classes, for although it was true, that the cottage of the agricultural labourer was exempt from the duty, yet artisans, who formed the largest body of the working classes, felt the pressure of the tax in the shape of the increased rent of the lodgings which they occupied. He hoped the right hon. Gentleman would give some explanation as to what was meant by the surveys which were intended to be made, as, notwithstanding the explanation which had been given, some alarm still existed upon the subject.

The *Chancellor of the Exchequer* did not think the hon. Member could expect to succeed in his proposition. Considerable reduction had been made in this tax, and he could not make any concession with respect to it upon the present occasion. He admitted the tax was unpopular. He did not enter into the defence of any single item. The bill must be taken as a whole.

Mr. *Hume* observed, that the right hon. Gentleman had givan no answer to the question respecting the assessment of reopened windows. Would old windows opened since the passing of the act of 4th and 5th William 4th on this subject, be liable to assessment under the new survey? Lord Althorp had given a distinct pledge that they should not be assessed.

The *Chancellor of the Exchequer* said, the provisions of the act alluded to should be strictly adhered to, and the attention of the surveyors had been directed to them. The assurance given by the act of Parliament would not in the slightest degree be infringed by the present bill.

Mr. *Godson* could find no clause in the act of Parliament carrying out the pledge which the hon. Member for Kilkenny said, had been given by Lord Althorp. All reopened windows would consequently be assessed under the new survey.

Sir *B. Hall* said, that the pledge given by Lord Althorp was to the effect, not merely that these re-opened windows should be free from assessment, but that the first tax repealed should be the window tax. Instead of this being done, an increased duty was now laid on windows.

Mr. *Brotherton* thought the increase of the assessed taxes would restrict the present franchise under the registration law, and he trusted the new act for the registration of voters would pass, and relieve the voters from the present restriction of the franchise.

Mr. *Fector* observed, that innkeepers felt it to be a grievance, that while the duty on shop windows had been repealed, their bar windows still remained liable to tax.

The *Chancellor of the Exchequer* referred to the last act, and quoted a clause exempting all windows re-opened since the passing of that act from assessment. The same exemption did not apply to newly built windows.

Mr. *Jervis* said, the exemption did not apply to the property, but to the person. He thought it desirable to add a clause to the present bill to carry into effect the object intended to be secured by the last act on the subject.

The *Chancellor of the Exchequer* said, that if the House thought such a clause desirable, he had no objection to its introduction.

The Committee divided on the question that the proviso proposed by aptain Pechell be inserted:—Ayes 36; Noes 83: Majority 47.

List of the Ayes.

Aglionby, Major
Attwood, W.
Bateson, Sir R.
Berkeley, C.
Boldero, H. G.
Bruges, W. H. L.
Codrington, C. W.
Duncombe, T. S.
Farnham, E. B.
Fector, J. M.
Gaskell, J. Milnes
Godson, R.
Hall, B.
Hector, C. J.
Hindley, C.
Hollond, R.
Hughes, W. B.
Lockhart, A. M.
Lushington, S.
Mackenzie, W. F.
Marsland, H.
Maunsell, T. P.
Morris, D.
Neeld, J.
Parker, M.
Rolleston, Colonel
Round, J.
Rundle, J.
Rushout, B.
Salwey, Colonel
Sibthorpe, Colonel
Sotheron, T. E.
Vigors, N. A.
Vivian, J. E.
Wakley, T.
Williams, W.

TELLERS.
Pechell, Captain
Berkely, F. H.

List of the Noes.

Acland, Sir T.
Adam, Adm. Sir C.
Bainbridge, E. T.
Baring, rt. hon. F. T.
Barnard, E. G.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgeman, H.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, E.
Busfield, W.
Clay, W.
Clive, R. H.
Collier, J.
Dundas, C. W. D.
Egerton, Sir P. G.
Eliot, Lord
Elliot, hon. J. E.
Euston, Earl of
Fleetwood, Sir H.
Fort, J.

Gillon, W. D.
Gordon, R.
Grey, rt. hn. Sir C. E.
Grey, rt. hon. Sir G.
Hayter, W. G.
Hobhouse, rt.hn.Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hoskins, K.
Howard, P. H.
Hume, J.
Inglis, Sir R. H.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Langdale, hon. C.
Macaulay, rt. hn. T. B.
Maher, J.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Lord
Morpeth, Viscount
Muskett, G. A.
O'Ferrall, M.
Ord, W.
Parnell, Sir H.
Pendarves, E. W.
Philips, M.
Pigot, D. R.
Plumptre, J. P.
Ponsonby, C. F. A.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rawdon, J. D.
Reddington, T. N.
Russell, Lord J.
Rutherford, rt. hn. A.
Sandon, Viscount
Scholefield, J.
Seymour, Lord
Sheppard, T.
Smith, V.
Stanley, W. O.
Stewart, R.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Thornley, T.
Tufnell, H.
White, A.
Williams, W. A.
Winnington, H.
Wood, B.

TELLERS.
Stanley, hon. E. J.
Parker, J.

On Clause 12,

Mr. *Gillon* proposed as an amendment, that the words referring to carriages kept to be let on hire be omitted, which would exonerate them from all taxation.

Colonel *Sibthorp* considered, that this tax pressed very unfairly, and was for taking it off altogether.

The *Chancellor of the Exchequer* said, that he would be very much disposed to do so; but that as it amounted to the sum of 154,000*l.* per annum, the present state of the revenue would not permit the reduction.

Mr. *Hume* was of opinion, that if the carriage tax were removed altogether, the horse tax would more than make up the difference.

Captain *Berkeley* observed, that the number of post-horses on the road to Windsor, had amazingly diminished of late.

The Committee divided on the question that the words stand part of the clause:—Ayes 69; Noes 58:—Majority 11.

List of the AYES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Archbold, R.
Baring, rt. hon. F. T.
Berkeley, hon. H.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Buller, E.
Cavendish, hon. C.
Clay, W.
Clive, hon. E. B.
D'Eyncourt, rt. hn. C. T.
Duncombe, T.
Dundas, C. W. D.
Elliot, hon. J. E.
Ellis, W.
Euston, Earl of
Fitzroy, Lord C.
Fleetwood, Sir P.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hayter, W. G.
Hobhouse, rt. hn. Sir J.
Hoskins, K.
Howard, P. H.
Howard, Sir R.
James, W.
Jervis, J.
Langdale, hon. C.
Macaulay, rt. hn. T. B.
Martin, J.
Maule, hon. F.
Melgund, Lord
Morpeth, Viscount
Muskett, G. A.
O'Ferrall, R. M.
Parnell, rt. hn. Sir H.
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Rawdon, Col. J.
Redington, hon. T. N.
Rundle, J.
Russell, Lord J.
Rutherford, rt. hn. A.
Scholefield, J.
Seymour, Lord
Smith, R. V.
Stanley, rt. hon. E. J.
Stanley, W. O.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Thornley, T.
Tufnell, H.
Turner, E.
Williams, W. A.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.
Gordon, R.
Parker, J.

List of the NOES.

Adair, Lord
Attwood, W.
Bainbridge, E.
Bateson, Sir R.
Berkeley, C.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H.
Burroughes, H.
Busfeild, W.
Cavendish, Hon. G.
Darby, G.
Douglas, Sir C.
Eaton, R. J.
Egerton, Sir P.
Ewart, W.
Farnham, E. B.
Fector, J. M.
Filmer, Sir E.
Godson, R.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Howard, F. G.
Hughes, W. B.
Jackson, Sergeant
Jones, Captain
Lockhart, A. M.
Mackenzie, W.
Morris, D.
Neeld, J.
Neeld, J.
Palmer, R.
Pechell, Captain
Plumptre, J. P.
Ponsonby, C. F. A.
Pryme, G.
Rice, E. R.
Rolleston, L.
Round, J.
Salwey, Colonel
Sandon, Lord
Shaw, rt. hon. F.
Sheppard, T.
Sibthorp, Colonel
Sotheron, T. E.
Stuart, Lord J.
Verner, Colonel
Vigors, N. A.
Wakley, T.
White, A.
Williams, W.
Winnington, H. J.

TELLERS.
Gillon, W.
Hume, J.

Remaining clauses agreed to. House resumed.

Government of Canada.] The Report on the Canada Government Bill was brought up.

On the motion that it be agreed to,

Mr. *Hume* expressed a hope that the Habeas Corpus Act would no longer remain suspended in this province, as a most respectable Gentleman, seventy-five years of age, had now been immured in a dungeon for more than three years, and had never been brought to trial even before a court-martial. The sufferings of the Italian prisoners in the dungeons of Austria, had not been more atrocious than the sufferings inflicted by the British Government on some of the most virtuous citizens in Lower Canada.

Sir *C. Grey* felt, that he should be acting a most unmanly part, if he did not support the proposition that Mr. Bejet, whose acquaintance and hospitality he had enjoyed whilst acting as a commissioner in Canada, should be immediately discharged. He believed it was the mode in which his property was implicated with the ecclesiastical seigneuries of Canada, that had prevented him from giving to the British Government the sureties, which it had demanded as a preliminary condition to his liberation.

Lord *J. Russell* felt, that it was quite impossible for him to speak with any certainty as to the measures which might be taken with respect to Mr. Bejet; the Governor-general of the colony, who was on the spot, must judge of the danger to be apprehended to the province from the liberation of any persons now in custody. He was led to believe that Mr. Bejet, who was one of the richest men in Lower Canada, had been concerned in giving aid to a most atrocious rebellion, which had been accompanied with some most cruel, revolting, and sanguinary murders. But as the hon. and learned Gentleman had just acknowledged, Mr. Bejet, if he had given the required sureties, would not have been detained in custody. If this bill should be passed, and if a representative form of government should again be restored to Canada, he was quite sure that there would be a desire to overlook all that had occurred, so far as was consistent with the security of the province. He had no doubt that under such circumstances, the restrictive system would no longer be continued.

Sir *C. Grey* said, that his impression with respect to Mr. Bejet was, that he, being one of the richest men in Lower Canada, had given encouragement not to those who had embarked in the rebellion, but to the setting up of those newspapers, which had supported the same principles that were avowed by those who were concerned in that dangerous and delusive enterprise.

Report agreed to.

HOUSE OF LORDS,

Tuesday, June 2, 1840.

Minutes.] Petitions Presented. By the Earl of Fitzwilliam from Kinross, Inverness, Fife, and other places, for an Alteration in the Corn Laws. By Lord Hatherton, from Poor Law Guardians in the county of Stafford, in favour of the Poor Law Amendment Act. By Lord Rayleigh, from Rayleigh, and other places in Essex, against any alterations in the Corn Laws, and in favour of Church Extension.

Church Intrusion (Scotland).] The Marquess of *Breadalbane* presented petitions from places in Scotland, and from the Presbytery of Newcastle-on-Tyne, against the intrusion of ministers in the Scotch Church. The noble Marquess proceeded to say, that the excitement prevailing on that subject in Scotland was already sufficiently strong, without anything being said or done in that House or elsewhere, which could tend to aggravate the feelings of the people of Scotland. He must say, that if that people, attached as they were to all the principles of their Presbyterian Church, considered, that by the decision of the civil judicature of the country, their rights had been infringed on, they would only conscientiously discharge their duty in endeavouring to obtain an alteration of the law. The pastors of that church would, in his opinion, have deserted their obligations, and would not have fulfilled their duties, if they did not endeavour to maintain the ecclesiastical jurisdiction of their Church when they thought it had been assailed.

The Earl of *Aberdeen* was at a loss to understand what was the meaning of the noble Marquess in the observations he had offered to the House. The noble Marquess had said, that the people of Scotland had a right to call for an alteration of the law which they complained of. Undoubtedly they had. But when the noble Marquess said, that they were justified in complaining of a trenching on their rights, and a violation of them, he (the Earl of Aberdeen) must say, that no such violation had taken place. The law of the land had been justly and equitably pronounced, and the hundreds of petitions that had been presented against church intrusion, while they prayed for an alteration in the law, left it to the wisdom of Parliament to devise the means of effecting their object. He (Lord Aberdeen) was as favourable to non-intrusion as any of those petitioners; but then it was non-intrusion as the law and the constitution of the Church understood it —that was his non-intrusion. When the noble Marquess referred to petitions presented by the Presbyterians of this country and of Ireland, he should remember, that the Church of Scotland was in a totally different position from them. They were not an Established Church in England and Ireland, nor were they endowed by the State. But while the Church of Scotland was receiving the support of the State, she must obey the law by which she existed, was established and maintained. As a Church of Christ she might exist without the law, but as a national church, and maintained by the law, she must obey the law by which she was established and recognised. The noble Earl concluded by saying, that he deferred any further discussion on the subject till the whole proceedings of the General Assembly were before them. They had not yet finally concluded their meetings, and therefore he would suspend any decision for the present.

The Earl of *Camperdown* felt himself called upon to express his complete conviction, that the conduct of the majority of the Church of Scotland was endangering the institutions of that country in a manner they were not perhaps aware of. He did not deny that a very strong feeling had been excited, but it had been excited in a manner which, friendly as he was to the Church of Scotland, he was very sorry to see. As had been truly observed by the noble and learned Lord (Lord (Brougham) last evening, the Church of Scotland stood in direct opposition to the law of the land. He was ready to give credit to every man for any conscientious scruples which he might entertain; but if individuals or bodies of men were entitled to oppose the decisions of the courts, and to disobey the law, because they entertained scruples of conscience, he must say, that he thought one of the very first principles which bound society together would be endangered. He very much regretted to perceive that the bill of the noble Earl opposite had been rejected by the majority of the General Assembly. It should not be forgotten that there was a strong and a growing feeling in Scotland in favour of the separation of Church and State. If any one circumstance more than another would lead to the accomplishment of that result, it was the course pursued with reference to this question by the General Assembly of the Church of Scotland.

The Marquess of *Breadalbane* said, the noble and learned Lord (Lord Brougham) had last evening almost called the people of Scotland rebels, because they held, that the decisions of the civil courts were contrary to the fundamental principles on which their national Church was established. Were the people of Scotland to be called rebels, because they endeavoured to support the fundamental principles of their Church? The House of Commons, when recently supporting their privileges against decisions of the courts of law, had not been called rebels, then why brand the people of Scotland with that name.

Lord *Brougham* put it to their Lordships, whether there was much fairness, any more than good sense, if the noble Marquess would permit him to make the observation, in putting into the mouth of any person, a word which he had never used, more especially when at the very moment when the suggestion was made, it was declared that the word had not in reality been employed. The noble Marquess had suggested, that he had used the word, "rebel," whereass in fact, he had not used it. The noble Marquess began by saying, that he almost used the word, and then he proceeded to act and to speak, as if in truth he had employed it. Now, that was holding him up to the minority, as he said, of the people of Scotland, and to the majority of the Church judicature, as he believed, in an improper light, more especially in the exciteable state in which their minds now were.

Petition laid on the Table.

Dispute with Naples — Sulphur Trade.] Lord *Lyndhurst* said, he was anxious for a few moments to call the attention of the House to a subject of very great importance. Their Lordships had no doubt read the papers laid upon their Lordships' Table, relating to the sulphur monopoly in Sicily, and they must have been surprised, on their perusal, to find that there was no mention made among them of the treaty negociated by Mr. M'Gregor, on the part of this country last year with the Sicilian government, and that there was no portion of the correspondence between him and the noble Lord, the Secretary of State for Foreign Affairs, among these papers. At the time when the noble Viscount opposite proposed to lay these papers on the Table of the House, the noble Viscount stated in answer to a question which he had put to the noble Viscount, that he should produce amongst them the treaty in question; but afterwards in a private conversation, the noble Viscount told him, that he should not produce it, but he did not assign any reason for the change in his intention, and he therefore thought it to be his duty to bring the subject again before the House, in order either that these documents might be produced, or that the noble Viscount should state to their Lordships the grounds on which he now declined to assent to their production. It was very possible, that it might be said, that the treaty had no relation to this question with respect to the sulphur monopoly; but if that were so, the treaty and the documents were, at all events, matters of the very highest importance, and he should be fully justified in moving for their production. It could not be said, however, with truth, that they did not connect themselves with this transaction. The two matters were negociated together, and were mixed up together in the negotiation. The whole negotiation, besides, was conducted by the same individual, and what was decisive was, that in the treaty which was negociated, the terms of which were settled between the parties, it was expressly stipulated that all monopolies, comprising, of course, that in question, should cease on a given day, with the exception of certain royal monopolies—namely, those with respect to salt, tobacco, and gunpowder; and it could not for one moment, therefore, be said, that they did not connect themselves, or that they did not form an essential part of the documents which ought to have been laid on the Table of the House, in order to afford full information on the subject. But not only was not the treaty laid on the Table of the House, but no part of the correspondence relating to it had been produced, although it was obvious that many letters must have passed between Mr. M'Gregor and Viscount Palmerston; and in those letters which were brought to light, or rather these extracts of letters, for they amounted to nothing more, the utmost care and precaution were taken to cut out and exclude every thing relating to the treaty, or bearing the most remote reference to it. It might be said, however, that the treaty and these letters could not be published without working great inconvenience to the public service. It was manifest, he thought, to any one who considered this subject, that it was impossible to form any correct view or opinion with respect to the position of this country with regard to Naples, and particularly as to the conduct of the Government of England with regard to this particular transaction, without them; and if that suggestion should be made, the answer which he should give would be this:—Upon all occasions of this description, if full information cannot be communicated, information should be entirely withheld, because if all information were withheld, parties were placed in the situation of being compelled to suspend their judgment as to the conduct of the Government, whereas, if imperfect information only were given, they would be led into error, and to form conclusions, perhaps, incorrect, upon a question most vital to the interests of the country. If there were any necessity to cite authorities in support of this view of the case, he could give one to which he thought that the noble Viscount would be disposed to give great weight. He referred to a very remarkable speech delivered in the House of Commons on the 10th of March, 1830, by the noble Viscount the Secretary for Foreign Affairs, who had taken the same line of argument which he had now adopted. He would read the words of the noble Viscount to the House, and he thought that what the noble Viscount had urged on that occasion he was now entitled to urge. The noble Viscount said—

> "When the time had arrived at which the Government think that information may be communicated to Parliament without detriment to the public service, surely it is incumbent upon them to give such papers as shall elucidate the transactions to which they relate, and shall afford such complete explanations as may enable Parliament to arrive at a sound and correct judgment upon the course which has been pursued; but to give imperfect information, mutilated extracts, and fragments of correspondence, from which the most important parts have been cut off, is to make a mockery of Parliament, under pretence of submitting to its jurisdiction."*

The noble Viscount now at the head of foreign affairs, when he made that speech, was in opposition; but then, of course, he was anxious for the most extensive information on every subject connected with our foreign policy, although now he found it convenient to restrict the information which he afforded to Parliament within the narrowest possible limits. Their Lordships were placed in a situation not a little singular; for not only on this occasion, but upon all similar occasions, it almost always happened that where official intelligence was given, it was less extensive than that which was communicated through the ordinary channels of information. In the present case, they all knew the history of the transaction to which he referred—that the terms of a treaty were settled by Mr. Macgregor, and signed by him on the one side, and by an agent on the part of the Sicilian government on the other; that those terms were communicated to the subjects of this country in Sicily—that they were entirely approved of by them, and that the ratification of the treaty was looked forward to with the utmost impatience by the British merchants in that place. Day after day they looked for the arrival of the desired intelligence, but they were disappointed, and the result was, that instead of the advantages which they had expected under it, they found that the monopoly was still enforced. The terms of the treaty, it was to be observed, were known to the British merchants, and afforded them great satisfaction; and while they were thus pleased, the government of Sicily made no objection to them. He would state to their Lordships two or three of the articles of the treaty, in order to show to their Lordships the necessity which had existed for carrying it into effect. First, it was stipulated that the differential duties in favour of Neapolitan shipping, as compared with that of England, should be abolished. It was further stipulated that all duties should be reduced by 10 per cent.—an arrangement of the very highest importance: further, with respect to colonial produce, it was agreed, that whether going from this country, or from the colony where it was raised, a reduction of one-half of the existing duty should be made in favour of England—further, it was provided, that for a period of ten years the tariff should remain fixed, both as to the amount of duty, and the amount of the value of goods; and the last stipulation to which it referred, was one which was made with respect to all monopolies, which it provided should cease to exist on a given day, except those which he had before mentioned, and which were enjoyed by the king. Were their Lordships then surprised, that the merchants of Sicily should be most anxious for the ratification of a treaty so important? It appeared, from documents which had been laid upon the Table of their Lordships' House, and particularly from a petition presented by the Sicilian merchants to the Board of Trade, that that body had represented the conduct of Government in the most favourable light, and they afterwards expressed the disappointment which they felt, and the disadvantages to which they were exposed, by reason of the non-ratification by the Government of this country of the treaty which he had entered into. The treaty, however, was not only much desired by the merchants of Sicily, but by the landowners of that country also, because it was negociated upon the very principle upon which all such instruments should be framed—that of reciprocal and mutual advantage, and therefore it was, as it appeared from a letter sent by Mr, Kennedy to Viscount Palmerston, that the people of Sicily looked most anxiously for its ratification. Nor were the government of Sicily insensible to the importance of that step being adopted, but it appeared from extracts furnished of the same correspondence that they had strongly desired its completion. Why, then, was it not fulfilled? In the month of November all the terms of it were settled, and they were most advantageous to this country. The ratification had not even been exchanged at this time. What reason could be assigned for the Government of this country refusing to assent to it? He had heard various absurd reasons assigned, to which he would not refer, but he found an intimation of the real reason contained in the papers on the table of the House, which afforded one of the strongest arguments why it should have been ratified by the Government of this country. It was there suggested how idle it was, to conclude a new commercial treaty with a country which continued the infraction of a treaty which already existed. It was in a letter from Mr. Temple to Viscount Palmerston that this reason was suggested for its not being ratified; but he asserted that it rather afforded a ground why the ratification should have taken place. The dispute between this country and Naples was, that the monopoly was a violation of the treaty of 1816. The government of Naples said, that it was no infraction of that treaty, and they had argued that point from beginning to end. Had we a right to say, then, "what is the use of entering into a new stipulation when they have refused to obey one which is already in existence?" That existence was disputed, and the terms of this treaty put an end to the very subject which was in dispute between the two countries. By the treaty it was said that the monopoly should cease on a given day, and the very subject matter of dispute was therefore settled, and the only question was, whether any, and what compensation should be given for the infraction of that which it was alleged had been violated. He thought that the country was indeed most unfortunate in the superintendence of its commercial interests. A treaty, and the terms of it, were settled advantageously to the interests of British merchants. It was not ratified, and the greatest injury had been inflicted on the trade of this country by the postponement of the question and the delay and procrastination which had taken place in its consideration. Let their Lordships mark the history of the affair. In 1837 this projected monopoly was first announced to the Government. What was the view which was then taken of it? That it was a distinct infraction of the treaty of 1816. It was so asserted by the Government of England, and it had since been found to be productive of the greatest injury to our merchants in Sicily. The monopoly had gone on to this moment, and no redress had been obtained, nor was it likely that any would be afforded. Was he right, then, in complaining of the supineness of the Government in respect of these proceedings? It was said, in publications which had taken place upon this subject, as to the amount of the loss occasioned to the commerce of this country, it had been greatly over-rated, and papers had been circulated, published, he believed, by the agents of the monopolists in this country; but he should refer at once to the papers laid before the House, which would give a fair and a true view of the case. It would be found to be the opinion of Mr. M'Gregor, who appeared to have gone into the subject with the utmost care, that the effect of the continuance of the monopoly would be to exclude British commerce from Sicily entirely, and he further said that in the present year a single house in Glasgow—that of Messrs. Tennent and Co., who were under the necessity of importing a large amount of sulphur for their own use, and that of their correspondents, would pay upwards of 50,000*l*. He would refer to another passage from a letter of the same person. He said,

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* Hansard, Vol. xxiii, (New Series) p. 77.

> "The sulphur they have on hand they can only export by paying an amount, as a differential duty, of about 84*s*. 8*d*. a ton in favour of the monopoly: this would be utter ruin to them, and they have altogether lying on hand at the ports of Girgenti, Licati, Catania, and other places, more than 600,000 cantars which is quite useless to them, so long as the monopoly is in force; while, at the same time, all the money they have invested in mines remains a dead capital; and they see before them in the present state of things the prospect only of utter ruin, instead of the really flourishing condition which they had previously enjoyed."

What he had now stated was the opinion of Mr. M'Gregor, with respect to the monopoly affecting the commercial interests of the country; but what did the merchants of Sicily state in their petition to the Board of Trade? They said that from the moment of the establishment of the monopoly, the British trade in Sicily had been entirely suspended. They had continued to reside in that country not with a view to any profit, because their profit had been hardly sufficient to pay their expenses, but in the hope—a hope which had been daily frustrated—that their wrongs would be redressed through the intervention of the British Government. This, he believed, was a true picture of the extent of the evil resulting from the monopoly. It appeared, on looking to the papers, that it was not until an application in reference to this subject had been made to Parliament, when the whole matter had been brought under discussion, that any measure of decision or vigour was adopted. He begged to refer to the letter of Viscount Palmerston to Mr. Kennedy of the 18th January in this year. The result had been that a mediation had been settled to be carried on in France at a distance of 1,200 miles from Naples, which required three weeks or a month for every exchange of couriers, a course by the adoption of which the objects of the monopolists were accomplished, for, by delay, they every day gained fresh advantages, and the effect was, to heap ruin upon our own merchants. He had been informed that at this time the mediation had been suspended. There were parties closely attached to the mediation deeply interested in point of connection with the monopolists, and he was told that until certain conditions were carried into effect by the Government of this country—he believed the restoration of the vessels seized—no further steps would be taken in the mediation. But he would put this in a way so striking as to carry conviction into the minds of every one of their Lordships. Negotiations were carried on for the purpose of putting an end to the monopoly, and the persons by whom that monopoly was carried on, said "give us six months' additional extension of the monopoly, and we shall then be satisfied." That was the expressed wish of the Neapolitan government in the month of January, and the effect of that extension would be to carry it on to the month of June. It was opposed by the British merchants upon being communicated to them, because they said that they could not submit to a single day's extension of it. They said,

> "If you allow an extension to six months, you in substance and effect allow an extension of a year."

They said further, what would be the consequence of allowing that extension?—and they declared that it would be, that these persons would fill all the markets of Europe with sulphur at their own prices, to their own great gain, but to the extreme loss of the merchants of this country. He would refer to the petition presented by the merchants to the Board of Trade upon this subject. They there said,

> "If the abolition of the sulphur monopoly contract be deferred for six months—say till the 30th of June—it must of necessity continue until the 31st December."

They then went on to state their reasons for this supposition in detail, with which, however, he would not trouble the House, although they were unanswerable, he thought, and afterwards continued,

> "The policy contemplated by the Neapolitan government in asking this six months delay is that of sacrificing the interests of British subjects established in this island, and of those interested in the trade as consumers, to add to the profits of a few French speculators, who, unlike British merchants, are total strangers in the island, who have taken no part in the rise or progress of the sulphur trade, and whose existence in connexion with this branch of the trade of Sicily dates only from the commencement of the monopoly. Other objects, however, contemplated by the monopolists in the required delay is, that they may, in the meantime, occupy the markets free from competition, and thus be enabled to dictate their own conditions as to prices. Granting their request would effect their purpose, but at the ruinous cost of the British merchants here, and of the consumers at home; it is a boon which cannot be granted to the Neapolitan government but at an immense sacrifice of the interests of British subjects."

What was the boon which would produce such great effects on the merchants of England? The granting of a six months' extension of the monopoly. The British Government had not granted it in form; but in truth they had taken measures by which it had been acceded to. We had now arrived at the month of June; the objects of the monopolists had been secured —they had obtained all the advantages which they desired, and all the ruin and loss had actually fallen, by the policy of our Government, upon the merchants of this country. It was clear, that in this case, our policy had been of the most extraordinary description. We must be laughed at, and ridiculed, and despised by the persons by whom we had been opposed. We were asked to grant a boon, which we refused to do, because it would effect the ruin of England. The boon was not granted in terms, but in effect; and all the consequences which would have resulted from it, were permitted to fall upon the merchants of this country. He asked their Lordships, then, whether this was not the strongest case of misconduct, of mismanagement, of want of address, of want of weight and authority, which could be imputed to a Government? What did Mr. M'Gregor say in one of his letters to Viscount Palmerston? He said—

> "Although I was convinced of the sincerity of his Majesty, yet the evidence of intrigues and corruption were clear; and the assurance given to Taix by the Minister of the Interior, as lately as three days before, of the King's determination to maintain the monopoly, was so positive, that Taix had written to his partner at Palermo, directing him to make public there: 'Grace à la fermeté du Roi il a gagné une grande victoire sur les Anglais avec Monsieur Macgregor à leur tête."

He had already quoted part of a speech of the noble Viscount in the House of Commons in the year 1830, and he would quote another extract from the same address. It was a speech which was a very remarkable and a very eloquent one, and he should cite a passage peculiarly applicable to this subject, together with the poetical lines with which it was concluded. He thought that their Lordships would find it remarkably applicable to the present state of affairs in respect to the sulphur monopoly:—

"Solemn engagements, to which we were parties, have been broken; gross indignity, by the admission of the Ministers themselves, has been offered to our King; Europe has been strewed with victims ruined by their confidence in us; negotiations on all these matters have been undertaken, and have ended in acknowledged nothing; England, or at least its Government, is loaded with the reproaches of Europe; we hear

> '—— On all sides, from innumerable tongues,
> A dismal universal hiss, the sound
> Of public scorn.'"*

He quoted the whole of this passage as being much more strong and pointed, and much less objectionable than anything which he could urge. He had touched very slightly upon the matter really in question, but a time would come, he had no doubt, when it would deserve to receive a more minute and searching investigation. In conclusion, the noble Lord moved, according to a notice which he had placed upon the paper of the House,

"That an humble address be presented to her Majesty, praying that she will be graciously pleased to give directions that there be laid upon the table of the House a copy of the treaty negociated with the Sicilian government in 1839 by Mr. M'Gregor, and of the correspondence between Viscount Palmerston and Mr. M'Gregor relating thereto."

Viscount *Melbourne* said, that perhaps their Lordships would recollect that when this subject was before the House upon a former occasion he gave an account of Mr. M'Gregor's proceedings, which the noble Lord called negotiations; and of this document, which he had denominated a treaty; and in these descriptions and expressions consisted a great deal of the fallacy of the argument of the noble Lord. There could be no desire on the part of the Government for concealment; and when the time arrived to which the noble Lord had referred at the end of his speech—the time when it would be proper to go into a more deliberate investigation of the subject—all the documents might be produced; but at the present time he thought that he should find no difficulty in being able to convince the House that these papers were not of such a nature and character as ought to be laid before the House; and moreover, that even if they might hereafter be brought to light, at the present period, and under the existing circumstances of affairs between this and the Neapolitan government, such a step could not with propriety be taken. He thought, however, that on no account at all ought they to be laid before the House, and unquestionably not at a time when negotiations were pending upon the whole of the matters at issue between the two governments of this country and Sicily. Their Lordships were well aware that for some years, as had been stated, there had been negotiations between this country and Naples on the subject of the commercial treaty of 1816, as to some alterations of the treaty with respect to the duties on our shipping, and with respect to some abatement in the amount of duties payable by merchant vessels of that country trading with Great Britain. In reference to this subject, the Neapolitan government proposed the revision of the whole of the tariff of export and import duties, and that in the new treaty it should be made dependent on the continuance of the amount of duties settled in that tariff. It was with a view to this subject that Mr. M'Gregor was sent out, only to adjust these duties between the two governments, and to settle and reduce the tariff. He had entered into this subject with Prince Cassaro, and some arrangement having been entered into, its particulars were determined upon, and being signed, were sent home. This, however, could not be called a treaty. Mr. M'Gregor had no authority to negociate such a treaty—he had no instructions or information as to the manner in which such an instrument should be negociated; and although the document which he sent home was framed on sound and just principles, and was well calculated to form a basis of treaty, there were many fundamental and decided objections to it, which rendered it impossible that it should be ratified as a treaty in the shape in which it appeared. With regard to the instrument itself, if he recollected rightly, the noble Lord was mistaken in supposing that it provided for the abolition of all monopolies, and he thought that the article was one which would not have affected the sulphur monopoly at all; all it stated was, that British commerce was not in future to be fettered by monopolies. Such a provision entirely abandoned the ground which we had taken, and on which we had stood, and gave up all claim on the part of those who had suffered, from the course taken by the Sicilian government, for compensation, because, if it were a matter to be settled by mere treaty now whether there was to be a sulphur monopoly, there could be no claim for compensation. The only thing which it was possible for the Government of this country, with respect to these notes, was to take them into consideration. This they had done with all possible speed, with all possible expedition; and they had framed the draft of a new treaty on those notes, adding what was necessary, expunging what was vicious, retrenching what was superfluous, and this they had sent out to the representative of her Majesty at the court of Naples. That was what they had done, but it would not have been consistent with their duty, it would not have been conducive to the interests of the country, nor was it possible in any way to ratify the notes as they stood. The only light in which the notes could be considered was, that they were proceedings in the course of negotiations, which, he said, as a general Parliamentary principle, it was highly improper to produce in Parliament while the negotiations were pending. With regard to that part of the notes which related to the sulphur monopoly, that question, it was known, and it had been stated by the noble Lord himself, was under negotiation; a part only of the notes of Mr. M'Gregor related to that monopoly, as connected with a general renewal of the treaty of 1816. That negotiation, although suspended for the present, was still a pending negotiation, and so soon as the sulphur matter had been terminated it would be proceeded with. On the general ground, then, of the ordinary custom of Parliament, that it was not wise—that it was not prudent—to produce any correspondence upon matters of negotiation which were still pending, he trusted that their Lordships would not sanction the motion of tho noble Lord. The noble and learned Lord had quoted from a speech of his noble Friend, at some former time, a statement that it was the duty of a Government, if it produced any information, to produce full and complete information. He admitted that position, and said, that the information he had furnished was full and complete, so far as it was intended to be, that was to justify the proceedings of the Government with respect to the sulphur monopoly. They had asked redress and had been refused, and he had given all the information till the decided refusal of the Neapolitan government to abolish the monopoly and give any compensation. From the moment of the mediation of France a new consideration arose that it would not be wise to embarrass that mediation by the production of any papers relating to the other parts of the transaction. He hoped, therefore, that their Lordships would not agree to the present motion, but wait till the time when the noble Lord held out the expectation that the whole of these matters would be terminated, and then the whole might be known without inflicting injury on the public service. The noble Lord, however, had not confined himself very strictly to the immediate subject before them; he had said that there had been too much delay, and the greatest possible neglect of the interests of the merchants, which had been in the highest degree compromised and injured. If their Lordships would look at the course of the negotiations they would find that the delay had been principally owing to the conduct of the Neapolitan government, which had more than once promised to put an end to the monopoly; and surely it would have been hardly prudent and wise if the Government of Great Britain had at once adopted what the learned Lord called more decisive, but which he said would be more violent measures. The learned Lord talked of a suspension of the mediation of France. He knew of no such suspension of the mediation—he knew of no intermission—he believed that the mediation was still going on. True it was, that France was desirous of learning the amount of the claims of the British merchants for indemnity, and the grounds on which those claims were founded. That amount was not readily to be procured, but on any other point there was no reason for saying that there was any suspension of the mediation. He trusted that there would be no delay in completing it, but while it was going on no inconsiderable inconvenience might arise, there might even be serious detriment from any discussion. He would, therefore, abstain from entering upon many of the matters into which the noble Lord had gone, because it would necessarily lead to a vindication of the conduct of our Government, and to comments upon the conduct of the Neapolitan government. Every one must feel, therefore, that it would be better to abstain from making any remark; but, on the ground of Parliamentary precedent, he hoped that their Lordships would not compel the production of these papers.

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* Hansard, vol. xxiii (New Series), p. 78.

Lord *Lyndhurst*. What was the paper which the noble Lord promised to produce? Was it the imperfect treaty—viz., the notes of Mr. M'Gregor, or the treaty drawn up at home, founded upon that imperfect treaty?

Viscount *Melbourne* had answered hastily; he did mean the notes of Mr. M'Gregor; but he had afterwards altered his opinion of the propriety of producing them, and he had taken an early opportunity of stating his determination.

Lord *Lyndhurst.* Then if a treaty had been prepared consistently with the notes of Mr. M'Gregor, and negotiations were still pending as to that proposed treaty, of course he was not in a position to press his motion.

Motion withdrawn.

PRISON DISCIPLINE.] The Marquess of *Normanby*, in moving the consideration of the Commons' Amendment to the Prisons' Act Amendment Bill, said that it was the intention to relieve certain persons confined for misdemeanour from great severity of punishment. He did not agree that parties convicted of all political offences short of treason should be treated as felons, but at the same time he was not disposed to confine a relaxation of discipline to persons confined for one portion of the class of misdemeanours, but he would extend it, if circumstances required it, to all portions. The amendment made in the Commons did not meet the difficulty, for it limited the relaxation to the provisions of the Prisons' Act of last year, whereas the severity arose under the General Gaol Act of 4 Geo. 4th; and he would, therefore, propose an alteration in the amendment so as to make it meet all cases of misdemeanour in which circumstances should exist which should render it desirable to mitigate in favour of particular prisoners the general prison regulations. But in moving this, he only did it as a temporary measure, because it would scarcely meet the real evil. At some future time he would propose that convicts confined for misdemeanours should be separated into two distinct classes, and that then the judge should state whether the prisoner should be confined in class one or class two; thus leaving in the hands of the judges the discretion as to the severity of punishment in each case. As to some cases, the previous habits of the individual made an enforcement of the strict ordinary prison discipline a great increase of the severity of punishment, and under the name of uniformity they were making the most unequal punishment. The Commons' amendment, too, confined the power to the visiting justices and the Secretary of State; he proposed to add the term "visitors" to make the temporary remedy apply to the Penitentiary, because although nominally the Secretary of State had the power to remove a prisoner from one prison to another, yet in consequence of the want of provisions to pay the expenses of sustenance in any other county gaol, the power was practically limited to removal to the Penitentiary; but when the prisoner was so removed, he was subject to all the ordinary rules in force in that prison; and the consequence had been that an individual who had been removed from a prison in a district in which riots had broken out to the Penitentiary, had been subjected to a severity of punishment that was not contemplated in the original sentence. The amendment which he proposed was, that when it should appear to the visiting justices, to the visitors, or the Secretary of State, that there were good grounds for the relaxation of the ordinary prison discipline in the case of any prisoner confined as a convict for misdemeanour generally, the discipline should be by such visiting justices or visitors, with the consent of the Secretary of State, or by the Secretary of State, relaxed in favour of such prisoner.

The Marquess of *Salisbury* said, that it seemed to have been the intention of the House of Commons to alter a bill framed, for one purpose, expressly to meet certain cases that had lately occurred, and, in fact, to alter entirely the law with regard to all seditious and public libels; and if the noble Marquess's alteration were intended to meet those particular cases, he was, in fact, agreeing to the amendment of the Commons. Now, this was not a fair way of meeting such a question, because if the noble Marquess thought that in these particular cases there ought to be a relaxation of punishment, he had the power of recommending the exercise of the clemency of the Crown; and it would be but fair, as the whole law was proposed to be altered, that the precise amendment should be printed for noble Lords to consider.

Lord *Lyndhurst*: Why not print the original bill with the Commons' amendments and the proposed alteration of the noble Marquess?

The Marquess of *Normanby* would not oppose the printing if it were pressed, and there was any objection to the principle of his alteration. He must, however, say one word upon the noble Marquess's remarks, that though he might wish to relax the severity of prison discipline, he might not wish to go to the extent of recommending an exercise of the clemency of the

Crown. The bill, as he proposed to alter it, would include the cases to which the noble Marquess had alluded, but it would not be confined to them. He wished the alteration to be printed that he might judge of the principle.

The Earl of *Warwick* remarked, in reference to some of the cases which had been alluded to, and which had come under his own observation, that it was impossible to say that people could be better treated according to their deserts than those individuals. They all knew that this matter was got up in another place, for the purpose of asking their Lordships to legislate permanently with the reports of these cases fresh on their minds, and he would certainly vote for the printing of the amendment.

Lord *Ellenborough* said, that the effect of the noble Marquess's alteration, as he understood it, was to make the punishment in all cases of misdemeanour depend not on the sentence of the judge who had tried the prisoner, but on the view taken of the case by the Secretary of State. In some cases such a power in the Secretary of State might be necessary; but as the noble Marquess himself admitted that his present proposal was only temporary, he had better bring in such a bill as he considered perfectly right.

Lord *Portman* said, that all that was asked by the proposed alteration was, to give to the Secretary of State the same power of relaxing the prison discipline in particular cases which might demand it, as the surgeon of the prison now had on a consideration of the health of a particular prisoner. There were parties to whom simple imprisonment itself was a very great punishment, and under the present law, if a person were sentenced to imprisonment for a misdemeanour in inciting to a breach of the peace, he must be subject to every one portion of the ordinary prison discipline for misdemeanours, and he was sure that inciting to a breach of the peace, was not such a case as their Lordships would wish to see punished by such severity.

The Marquess of *Salisbury* said, that if his objection to the proposed alteration was strong before, it was made ten times stronger by the remarks of the noble Baron, because it would appear, that it was the object of the alteration to allow the Secretary of State to alter when he thought fit the sentences of the Judges.

The Marquess of *Normanby* observed, that he did not propose to give the power exclusively to the Secretary of State, but to the visiting magistrates, with his sanction, and with them it would practically, and except in extraordinary cases, rest. A great practical injustice took place at the present moment, in consequence of the inequality and discrepancy of the prison discipline in different gaols.

Lord *Ellenborough*: That was the fault of the Secretary of State. He might have disallowed the rules if they were not uniform.

The Marquess of *Normanby*; That could not be, for the state of prisons would not allow uniformity.

Bill postponed—alteration to be printed.

HOUSE OF COMMONS,

Tuesday, June 2, 1840.

MINUTES.] Bills. Read a first time:—Affirmation; Registration of Voters (Ireland), No. 2.—Read a second time:—Borough Watch Rates; Inclosure Acts Amendment.

Petitions presented. By Mr. B. Smith, from Norwich, against Church Rates.—By Mr. Alderman Thompson, from Sunderland, against the Canada Government Bill.—By Mr. F. Kelly, from W. Smith, and others persons, against the Treatment of Mr. Feargus O'Connor.—By Mr. Plumptre, from Braintree, and other places, against the Grant to Maynooth College, and the present system of National Education.—By Mr. C. Lushington, from several Parishes in Suffolk, for the Abolition of Church Rates; and from a Dissenting Congregation at Kinderley, against any Public Grant for Church Extension.—By the Attorney-general, from Edinburgh, against Lord Aberdeen's Bill.—By Sir F. Pollock, from Huntiugdon, against the Grant to Maynooth College.

EMIGRATION.] Mr. *William S. O'Brien**.] In bringing forward the motion of which I have given notice, I feel that I can advance no claim to the attention of the House, founded upon my own ability to do adequate justice to the subject which I have undertaken to submit for its consideration, but I confidently ask for that attention, on account of the intrinsic importance of the subject itself. It wants, indeed, the stimulating excitement which belongs to party questions, and which never fails to produce a full attendance of Members in this House; but there surely cannot be presented for the deliberation of the representative assembly of an empire possessing such vast colonial dominions as belong to Great Britain, any question more worthy to engage its most anxious consideration than the inquiry whether, by a well-regulated system of colonisation, it may not be in our power at once to relieve the necessities of the population of the mother country, and, at the same time, to extend the resources, and promote the aggrandisement of our colonial empire. Every motive which can influence the human mind to honourable endeavour, impels us to entertain this question with earnest solicitude. There is no more legitimate kind of national pride than that which exults in viewing our country as the parent of many nations, whose future greatness is destined to bear witness to the wisdom and the energy of the people who founded them. And, whether we consult the impulses of humanity, or the dictates of self-interest, we cannot better occupy our time than in considering whether colonisation does not afford us the means of succouring the distressed, and giving bread to the hungry, by an application of the national resources which promises to ourselves a constantly accumulating return. I shall not, upon this occasion, allow myself, however inviting be the theme, to dwell at large upon those general advantages of colonisation which obviously present themselves to every reflecting mind. It needs no argument, on my part, to prove that, to a country whose prosperity depends mainly upon commerce, and the motto of whose trading interests is "ships—colonies—commerce," colonisation offers the surest means of securing that prosperity; that, in planting colonies, we employ our shipping, open markets for the produce of our industry, in which we are met by no jealous rivalry, by no exclusive tariffs, and are enabled to bring back, from every quarter of the globe, the productions which belong to each peculiar clime. It is sufficient to adduce one fact alone, in illustration of the benefits which result to commerce from colonisation. In 1838, the whole amount of our exports to the great empire of Russia, peopled by a population of between 50 and 60,000,000 of souls, was only 1,663,243*l.*, whilst, in the same year, the exports of the United Kingdom to our Australian settlements, containing a population not exceeding 150,000 persons, amounted, in value, to 1,336,662*l.* Viewing this subject in reference to another consideration of the utmost importance to the well-being of society, it is necessary for me to do no more than simply to advert to the obvious reflection—that, inasmuch as popular discontents have, at all times, and among all nations, originated, for the most part, in the physical privations of the mass of the population; in so far as we are enabled, by colonisation, to diminish and mitigate those privations, to such an extent do we obtain a new guarantee for the preservation of peace and order in the community. I cannot, however, refuse myself the satisfaction of contrasting the policy which we, the friends of colonisation, advocate, with that which has too often found acceptance among the rulers of mankind. It is an undoubted fact, attested by history, that statesmen have frequently plunged nations into war solely for the purpose of engaging, in external strife, the active and restless spirits which are to be found in every population, under the fear that if not thus employed, their energy would be exercised in exciting intestine commotions. We, on the contrary, tell you, that these very men, superabounding in ardour and energy, become the most hardy adventurers in all colonial enterprise, and, instead of encouraging them to imbrue their hands in the blood of their fellow-creatures, we bid them go forth to subdue the forest and the wilderness, and to render the gifts of nature tributary to the use of man. I would invite you, also, to contrast our doctrines with the anti-population mania, which, for several years, usurped possession of the public mind in this country;—that philosophical dogma which has sought to annul the mandate of Heaven,—"Be fruitful and multiply,"—given to the early fathers of mankind. We do not ask whether, as a matter of abstract theory, the position laid down by Mr. Malthus and his followers, be or be not true,—"that, whilst population increases in a geometrical ratio, the means of subsistence increase only in an arithmetical ratio,"—but we say, that whilst the unpeopled territories which acknowledge the sway of Great Britain are capable of sustaining twenty-fold the population of the United Kingdom, it is unnecessary to forbid marriage to the young, and, by a cold and often profligate prudence, to defeat the benign intentions of Nature. Passing from these general observations, I now proceed to the proof of the first position which I have undertaken to establish; namely,—"That in Great Britain and Ireland, the working classes are frequently exposed to extreme privation, from inability to procure employment." Now, with respect to England, I am disposed rather to leave it to English Members to state their views with respect to the effect produced upon the condition of the working classes by an excessive supply of labour, as compared with the demand for it, than to dwell upon this part of the case myself, with a view to prove the existence of a redundancy of population in England. My own impression is, that it cannot, with propriety, be said that there is, in England, any very considerable or universal excess of population surpassing the means of employment; but that such excess should rather be characterised as partial, local, and temporary. As an instance of undeniable surplus of labour, in particular employments, I need only refer to the case of the hand-loom weavers, whose destitution has so often attracted the notice and the sympathy of this House. As an example of low wages, occasioned by a redundancy of the labouring population in particular districts, I would remind the House of the statements which have been repeatedly made, with respect to the remuneration of labour in the counties of Wiltshire and Devonshire, the Members for which counties have been compelled to acknowledge that, in many instances, the labourer does not receive more than six or seven shillings a week as his hire. Of the sufferings occasioned to the working classes in England, by occasional want of employment during particular seasons, the manufacturing districts of England afford too frequent illustration; and it is only necessary to mention the towns of Nottingham, Manchester, Bolton, and others, to recal to memory the complaints which we have heard, within a very recent period, respecting the privations of the manufacturing population of England. The simplest mode, however, of viewing this question, in regard to England, is, perhaps, to look at the amount expended on the relief of the poor; and when we find that, even after all the reductions which have been effected under the operation of the Poor Law Amendment Act, the poor rate amounted, in 1838, in England and Wales, to not less than 4,406,907*l.*, we are compelled to conclude, that the privations of the working classes must have been, in the aggregate, of fearful extent; since it has been found necessary to raise, by compulsory taxation, so large a sum for their relief. I may here also observe, that, as a considerable proportion of this amount was expended in the relief of the able-bodied poor, whatever portion was so employed, may be regarded as a fund which might have been employed to assist the persons so relieved to emigrate, without imposing upon the community any burden beyond that which it has actually sustained in maintaining them in a state of idleness at home. As, however, I wish to avoid the appearance of exaggerating the distresses of the poor, in order to make out a case in favour of emigration, I am contented to rest my argument, with regard to England, upon the simple proposition,—that the labouring classes will not voluntarily abandon their homes, unless, by doing so, they can materially improve their condition; and if, by emigration, they can escape the penury which creates the desire to leave their country, and can obtain comfort and independence in the colonies, we are bound, by every consideration of humanity, to enable them so to improve their condition. With respect to Scotland, and particularly with respect to the Highland districts, there is, unhappily, no ground for, in any degree, qualifying the statement that the population of those districts greatly exceeds the number for whom profitable occupation can be provided. In 1837, the inhabitants of the Western Highlands appear to have been reduced almost to the extremities of famine, from which they were relieved only by the charitable interference of external aid; and from all the most recent accounts which have been brought under my notice, I am induced to believe that they are now exposed to a recurrence of the same calamity. So strong, indeed, are the apprehensions entertained upon this subject, both by the landed proprietors, and by the population at large, that there have been several recent meetings for the purpose of urging the Government to promote an extensive system of emigration from the Highlands, as the only resource which can save them from the most appalling destitution. Several petitions of a similar character have also been addressed to this House, from one of which I shall quote a short extract, as descriptive of the present condition of the Highlands, and of the feelings by which that condition is accompanied, in reference to the question of emigration. It proceeds from the town of Portree, in the island of Skye, was presented in April of the present year, and bears 688 signatures. It states,—

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* From a corrected report.

> "That the appalling state of want to which many thousands of the inhabitants of the Highlands, and islands of Scotland were reduced in the year 1837, and the misery that has existed in some of the Highland districts since that period, now loudly demand the adoption of an extensive and systematic plan of emigration, as the only means of preventing a recurrence, year after year, of the same degree of frightful distress and suffering."

As it is unnecessary for me to accumulate further evidence upon a point which cannot be disputed, I now turn to Ireland, and am compelled to undertake the painful duty of presenting to the House a picture of the condition of the labouring classes in my own country. Here, at least, it is impossible to exaggerate. Ireland is, in truth, the country which is chiefly interested in your determination to-night. Now, in asking the representatives of Great Britain to apply their best endeavour to relieve, by emigration, the superabundant and destitute population of Ireland, I will not appeal to those feelings of humanity which induce the English people to seek out objects, in every quarter of the globe, to which they may direct their benevolent exertions for the improvement of mankind; nor will I claim anything from that sense of justice which ought to remind you that almost all the evils under which Ireland still suffers have been, either remotely or immediately, occasioned by English misgovernment; but I apply myself to the more ignoble motive of self-interest, and suggest the obvious reflection, that unless the condition of the labouring classes in Ireland be elevated to that standard of comfort which is the right of every human being, it will follow, as an unavoidable consequence, that the working population of England must be reduced to the same level of misery and indigence as theirs. It is contrary to every law which regulates the social system to suppose that, in two countries so closely united, there can permanently exist two separate scales by which English and Irish labour shall be differently remunerated. Evidence respecting the destitution of the working classes in Ireland is scarcely needed. It is to be found in every authentic document which describes the condition of that country. Three years have scarcely elapsed since a Parliamentary Commission of Inquiry reported to this House that it might be computed that about 2,385,000 persons, connected with the labouring population, are in distress for thirty weeks in the year, from the want of employment. In the same report, the Commissioners of Poor Inquiry estimate that, in England 1,055,982 agricultural labourers create agricultural produce to the value of 150,000,000*l*. per annum, whilst, in Ireland, 1,131,715 produce to the value of only 36,000,000*l*. They also calculate that, as the cultivated land in England may be estimated at 34,250,000 acres, whilst the cultivated land of Ireland is 14,600,000 acres, there are five labourers in Ireland for every two labourers in England engaged in the cultivation of any given quantity of land. If, therefore, there were the same proportion of labourers to land in Ireland as in England, then about 450,000 labourers would be required for its cultivation, whereas, in 1831, there were 1,131,715. These results are so startling, that, I own, I view them with some distrust. But the rate of wages affords an infallible test by which we may measure the redundancy of the population, as compared with the means of employment. Now I state with confidence to the House, as well from my own personal observation, as from innumerable sources which cannot be questioned, that the average wages of the Irish labourer, throughout the greater part of that kingdom, do not amount, throughout the year, to 3*s*. per week,—I ought, perhaps, rather to say, to 2*s*. 6*d*. My assertion cannot be contested, when I state that the industrious labourer, often as estimable in all the moral relations of life as any of his superiors, is frequently compelled to live, with his family, upon a diet of potatoes, without milk, unprovided with such clothing as decency requires, and sheltered in a hovel wholly unfit for the residence of man. If the crop of potatoes which he has sown upon his morsel of conacre ground should fail in any degree, he is reduced to that absolute extremity of want, which may be properly designated as starvation. I may state, also, that the unmarried farm servant, whose situation ought to present the most favourable condition of the labourer, living in a farmer's family, receives only one guinea a-quarter, besides his board and lodging. Out of this pittance, he has to provide his clothing. Let me remark, here, that this is about one-seventh of the wages which the same individual would receive, with superior accommodation and maintenance, as a farm servant, in Canada. We know, also, that, of late years, a very extensive system of ejectment has prevailed in Ireland,—not for the purpose of securing the payment of rent, which is, of course, an incident essential to the maintenance of the right of property, but—in order to effect the consolidation of farms, for the general improvement of the estates. In the great majority of cases, I fear that such ejectment has been wholly unaccompampied by any concurrent provision for the ejected cottier. Nothing can be conceived more truly deplorable than the condition of a person so ejected. From having been the occupier of a few acres of land, for which he has often paid his rent with the utmost punctuality, he now becomes a forlorn outcast, unable even to procure employment, still less to regain the occupation of land. Is it surprising that a population in such a state should occasionally be tempted to commit acts of violence? What sympathy can they feel with the possessors of property? What, to them, are the advantages of law and order? Accordingly, we find that they are too often stimulated to do wrong by despair. Hence we hear of land being turned up, in order to induce the farmers to let out a larger quantity of conacre for the growth of provision for the labourer; and we find that an extensive ejectment rarely takes place without the accompaniment of outrage. Let it not be supposed that I plead any excuse in this, or justification, for acts of violence; but whilst I cannot withhold my admiration from the patient resignation which renders crime and outrage the exception in Ireland, and restrains the Irish poor, under unparalleled privations, within the limits of the law, I feel bound to assign the true cause to which occasional disturbances may be traced. Whilst I witness this suffering among the population who surround me, I take up, year after year, the official reports which are transmitted from the colonies, and laid before this House, and I find that, at the same moment that our industrious fellow-countrymen are starving at home, from inability to procure employment, a universal complaint pervades our colonies, that the bounty of nature is rendered unavailing, from the want of hands to gather the gifts which she there so lavishly bestows. Under these circumstances, I have felt it a solemn duty to call upon Parliament, and upon the Government, to confer a mutual benefit upon our colonies, and upon the mother country, by the transfer of labour, unrewarded at home, to those parts of the empire in which, being so intensely needed, it obtains a more adequate remuneration. In advocating emigration, we seek to befriend, not only those who leave their country, but those also who remain; for, in proportion as the excess of labour, which at present prevails at home, is removed, will be the tendency of wages to rise, until they reach that standard below which they ought never to sink. It is difficult to calculate what number must be enabled to emigrate before any sensible effect can be produced upon wages; but I am inclined to believe, that the removal of about 100,000 labourers, with their families, from Ireland, would bring up wages to the level of an average payment of 1*s.* per day throughout the year,—in itself a very moderate pittance, but still a considerable advance upon the present remuneration of labour in Ireland. In addressing myself to those who are connected with Ireland, if there be any who are insensible to the considerations of humanity involved in this question, I would remind them that, from motives of self-interest alone, they ought to support the system of emigration, which is now proposed as a partial remedy for the distresses of the poor. In a very short time, the Irish Poor-law will be in operation. The able-bodied, when unable to procure employment, will present themselves at the workhouses, and demand relief. Their claim, grounded upon undisputed destitution, will be irresistible; and, until the workhouse is full, they must be admitted. Compare, then, the average cost of maintaining a poor person in the workhouse, during even an inconsiderable period, with the expense necessary to enable him to remove to Canada, and it will be found that, even as a matter of economy, the balance greatly preponderates in favour of emigration. But whether a destitute labourer be sustained in the workhouse or not, this argument leads to the same result. If unemployed, his maintenance imposes a burthen upon the community; and, for the most part, upon that portion of the community which is least able to bear it. If, through the want of employment, 500,000 persons are, upon an average, supported, throughout the year, at the expense of others, the lowest amount at which their maintenance can be calculated is 1,500,000*l.* per annum. Now, I am persuaded that half this sum applied annually to emigration would, within a few years, almost wholly extinguish pauperism amongst the labouring population of Ireland. In connection with this view of the subject, it will be remembered by the House, that at the time when the Irish Poor-law was under discussion, all the leading advocates of that measure — all the successive committees and commissions which investigated the condition of the Irish poor — recommended that a well-regulated and extensive emigration should be coupled with whatever measures were to be adopted for their relief, as an essential accompaniment. I now call upon the noble Lord to fulfil the engagement which was then held out, that emigration should be concurrent with and subsidiary to the imposition of a poor rate on Ireland.

Having now, Sir, established, beyond controversy, that a large portion of the industrious population of the United Kingdom are unable to procure adequate employment at home, and that they are frequently exposed thereby to the most cruel privations, I have next to convince the House, that in many of the British colonies, an intense demand exists for an additional supply of labour. I shall, upon this occasion, exclude from consideration those colonies in which the climate precludes Europeans from undertaking continuous labour. The House is aware, indeed, that, in British Guiana, in Trinidad, in Mauritius, and in Jamaica, a very urgent demand for labour has arisen since the abolition of negro slavery; and, in my opinion, it is essential to the prosperity of these colonies, that a supply of free black labourers should be encouraged to immigrate, under such regulations as shall effectually guarantee their liberty, and the improvement of their condition. Without, however, entering, at large, into this subject, I may be permitted to mention an interesting fact which has been brought under my notice. It seems that the mountainous parts of the Island of Jamaica are not unsuited to the European constitution; and I am informed, that during the last year, the mercantile house of Mitchell took out from Ireland 141 emigrants, to be employed upon their mountain property in that island. It has been stated to me, that hitherto, the experiment promises to be equally advantageous to the emigrants, and to their employers; but, though this is a circumstance deserving of notice, on such an occasion as the present, I do not feel that sufficient time has yet elapsed to have tested the success of the experiment, and therefore I am not inclined to found upon it any argument in favour of labour emigration from Great Britain to the West Indies. I therefore apply myself solely to those colonies which, beyond all doubt, open a promising field to the emigrant labourers of the United Kingdom. In beginning with New South Wales, I have experienced no other difficulty than in making a selection from the mass of evidence of unvarying tenor, which is contained in papers laid before this House, tending to prove the intensity of the demand for labour in that colony. I refer, now to the Emigration Reports laid upon the Table during the years 1838, 1839, and 1840. I ought, perhaps, to mention, that during the last three or four years, a Special Committee of the Legislative Council has been appointed to make inquiries with respect to the best mode of conducting immigration into the colony of New South Wales. Their inquiries have been particularly directed to ascertain the additional supply of labour required in different parts of the colony. The extracts which I am now about to quote are taken from the evidence appended to their Report of the year 1838. John Coghill, J. P., says—

"During the last two years, I have found it impossible to procure sufficient labour in any shape. I was offering 7*s*. and 8*s*. a-day for common labourers to no purpose; and, the year before, I was compelled to leave forty or fifty tons of hay on the ground, to spoil, for want of labourers to bring it in."

G. M. Slade, commissioner for the assignment of convicts, in order to show the demand for labour, states—

"I have at this moment, before me, from 10,000 to 12,000 applications, which, from dearth of means, I have not been able to comply with."

I may here observe, that, as the system of assigning convicts to individuals has been very properly abolished since this report was sent over, the diminution thus arising in the supply of convicts must have created a still more active demand for free labourers. W. H. Dutton, J. P., says—

"I am at present compelled, from sheer necessity, to place from 1,000 to 1,200 sheep under the charge of one man; 500 being the very utmost that a man can properly attend to."

T. Walker says—

"The losses that are at present sustained in every department of business in which labourers are employed, but especially in sheep farming, by actual deaths of sheep, are enormous; and the amount of them, if saved, would cover rhe expense of wages to this additional number of persons."

A circular letter was sent by the Immigration Committee to eighty-four of the principal employers of labour in different parts of the colony, with the view of ascertaining the demand for labour in the several districts. It is dated August 23, 1838. The first query was—

"Is there still an urgent demand for male and female domestic servants, mechanics, shepherds, and agricultural labourers, in your neighbourhood?"

The answer from every one of the persons so addressed, without exception, is, "there is such a demand." The Committee observe, hereupon, in their report—

> "It appears, that among the entire number consulted, there is not a dissentient voice as to the want of additional labourers in every department; and the imperative necessity of introducing an immediate and copious supply, if we would avert the most serious evils, has been urged most forcibly upon the attention of your committee . . . . The appropriation to this purpose of the entire surplus of the produce arising from the sales and leases of Crown lands, after certain recognised charges have been defrayed, is the object upon which the first degree of solicitude is felt and expressed by the public."

In the subsequent year, Mr. Pinnock, the emigrant agent in New South Wales, writes to the following effect, in a letter, dated February 28, 1839:—

> "It will be evident that there cannot be a stronger proof of the great demand for labour which exists in this colony, than the fact, that all the emigrants who arrived during the past year, notwithstanding the numerous disadvantages before adverted to, which they had to contend with, are now comfortably settled, and at high wages, throughout the colony."

The latest official report which has been laid before the House is that of Mr. Elliot, the agent general for emigration, presented during the present Session, in which he states, that—

> "At the date of the latest accounts, abundance of rain had fallen, and the crops were looking well. The wages of mechanics and domestic servants continued as high as ever; and agricultural labourers were receiving 25*l.* per annum, with board and lodging. All the emigrants of 1838, had obtained comfortable employment."

Since this paper was presented, another report has appeared in the public journals, from the Committee on Immigration in New South Wales, confirming the previous statements as to the increasing demand for labour, and suggesting that a loan should be raised, upon the security of the land fund, for the purpose of procuring the additional supply required. With regard to the flourishing colony of South Australia, I shall leave to my hon. Friend the Member for Hull, who has the honour of having mainly contributed to its foundation, the satisfaction of describing the condition of the labourer in that colony, and the prospects which it holds out to the industrious emigrant. In reference to Western Australia, I shall confine myself to a quotation which I have extracted from the Emigration Report, presented to Parliament in the month of August, 1839. It contains a memoir, submitted by Sir James Stirling, the Governor, to the Council of Western Australia, in which he says—

> "In the present state of the colony, there is such a deficiency of labour as to impede its advancement. The prudent portion of the workmen have saved means, and are now in a condition to extend their business and to hire assistance, if they could procure it; but they cannot venture to undertake works in the existing scarcity of workmen, and the consequent high rate of wages."

In their resolution upon this memoir, the Council state—

> "That the Council is unanimously of opinion, that there is an urgent and immediate necessity for procuring a supply of labour."

I may add that the very latest accounts from Western Australia which have reached this country declare that an additional supply of labour is essentially required to promote the advancement of that settlement. For my own part I can perceive no reason to expect any check to the prosperity of our Australian colonies (and the same observation applies, also, to the Cape of Good Hope) until they supply very nearly the whole amount of wool which is imported into this country. Now, I find that, during the year 1839, the amount of wool imported into Great Britain, from all parts of the world, was 57,395,944lbs., of which quantity there was received from the Australian settlements 10,128,874lbs. If we may judge of the future by the past, it is not too sanguine an expectation to believe that our colonies will be able to give us the whole supply required; for we find, that the production of wool in Australia has increased with incredible rapidity within a very short period. The wool imported during the year 1824, from New South Wales, amounted to only 275,560lbs.; whereas, in 1839, it was not less than 6,621,291lbs. In proportion to the increased growth of wool, must be the increased demand for labour; and one gentleman who was examined in New South Wales, computes that the present increase of the flocks and herds of that colony requires an additional supply yearly, of not less than 3,500 shepherds alone. Passing to the Cape of Good Hope, we find, that though there has been much mismanagement in that colony, there is yet a growing demand for labour there. As I prefer, as much as possible, to rest my argument rather upon official documents than upon newspaper statements, I shall confine my quotations, with respect to the demand for labour at the Cape, to an extract from a paper which was presented to Parliament a few days since. It is a report from the governor of the Cape of Good Hope, respecting the treatment of the apprentices sent out by the "Children's Friend Society." Major Longmore, one of the commissioners appointed to inquire into their treatment, says, in speaking of the demand for labour in the colony,—

> "The demand for domestic and farm servants, mechanics, and even common labourers, being very great and urgent in the colony (more especially since the emancipation of the negro apprentices), and likely to continue so for many years, this scarcity presents a certain prospect to the apprentices and working classes of every description, whether artisan or labourer, of being able to obtain a comfortable livelihood and maintenance, where good character exists, and ordinary exertion and prudence accompany that good conduct....The average rate of wages for domestic servants is from 1*l.* to 2*l.* 5*s.* per month; that of farm servants, from 1*s.* 6*d.* to 3*s.* 6*d.* per day; whilst skilful artisans may and do earn from 3*s.* to 5*s.* per day; and, from the circumstance of the supply of labour being far less than the demand, the facilities to Europeans, of industrious and temperate habits, of improving their condition, are very great."

British America next claims our attention. Here we find that emigration has been much checked, during the last three years, by the Canadian insurrection. The alarm, however, which deterred emigrants from proceeding to America, has now subsided; and though Government has, as yet, done nothing to encourage emigration to Canada, nowhere is its value more sensibly felt. I might quote the speeches and despatches of successive governors—of Sir John Colborne, Sir Francis Head, Sir George Arthur, and Lord Durham—to show how strongly they have felt the vital importance of emigration, to the improvement and safety of the Canadas. During the last session of the Legislature of Upper Canada, the House of Assembly agreed to a special address to the Crown upon the subject of emigration, which dwells at large upon the advantages which would arise from its encouragement. As this address is too long to allow of my reading it to the House, I shall content myself with selecting, as evidence of the interest with which this question is viewed by the Legislature of Upper Canada, an extract from the very last address adopted by the House of Assembly previous to its final dissolution:—

> "We would respectfully suggest to your Majesty the paramount subject of emigration from the British Isles, which we consider the best calculated to render the united province British in fact as well as in name. No time, in our humble opinion, should be lost, in the establishment and vigorous prosecution of a well-organised system of emigration, calculated to afford every possible facility to the settlement of that extensive domain, the proceeds of which have been proposed to be surrendered to the control of the provincial Legislature, upon certain terms and conditions, which, in Upper and Lower Canada, is, at present, in right of the Crown, at your Majesty's disposal.

I cannot present to the House a more satisfactory illustration of the improvement which has taken place in the condition of the labouring classes who have emigrated to Upper Canada than by stating the general recapitulation of a statistical return, with respect to the condition of certain settlers in Upper Canada, which has been placed in my hands by the governor of the Canada Company. This company allows the purchasers of its lands to pay for them by five instalments, and, with a view to ascertain the solvency of those whose instalments are in arrear, they directed their agents to send home a statement of the exact condition of each of these settlers. I hold in my hand the return relating to the district of Guelph. The name of each settler is given, as well as all the particulars respecting his condition. The general summary which this return presents is as follows:—Out of 156 settlers, to whom the report relates, it appears that 129 had no capital whatever upon their arrival in Canada, beyond the labour of their arms and the clothing which they carried with them. These 129 families consist of 436 persons. They are now in possession of 100 houses; they have cleared 2,820 acres; they possess 438 head of cattle, forty-one sheep, nine horses, and the aggregate value of their property, was found, in the spring of 1840, to be 22,658*l.*, giving an average of little short of 200*l.* to each family. Now, it is to be remembered that this report presents the least favourable view of Canadian emigration, because no account has been taken of the property of those who have regularly paid their instalments to the company; and it may therefore be inferred, that if such be the condition of those who are in arrear, much more satisfactory must be the state of those settlers, who have been able regularly to discharge their liabilities to the company. In reply to an inquiry addressed by me to the secretary of the Canada Company, with respect to the number of labourers who would find employment on the company's lands during the present year, the secretary writes to the following effect:—

"I feel some difficulty in stating the precise number of emigrants who might probably find employment in the company's lands, in the Huron tract, or in other parts of the province, this season. I feel confident that many thousands might readily find such employment. The opinion I have heard from Upper Canada is, that nothing is so much required to promote the prosperity of that country as an abundant supply of labour." (He adds,—) "The current wages in the company's lands vary from 3*s*. 6*d*. to 7*s*. 6*d*. per day, and frequently board and lodging in addition."

The most recent instance of emigration to Upper Canada, of which we have an official account, fully confirms these statements. Colonel Wyndham sent out, from the county of Clare, during the last summer 181 emigrants. They were placed under the superintendence of Lieutenant Rubridge,—a gentleman of much experience in Canadian colonisation, — who accompanied them as far as Cobourg, in Upper Canada. They had not been there more than three days when the whole party were engaged,—the men at 2*l*. 10*s*. per month, with board and lodging, the women at 1*l*. The official account states, that there were applications, in that district alone, for four times the number actually carried out. I have, now, only to detain the House with one more quotation respecting the demand for labour in British America. It is from Sir John Harvey's address to the Legislature of New Brunswick, upon opening the last session in that province. Speaking in reference to some proposals which had been made to the Government by a land company, he says,—

"The high price of labour, owing to the insufficiency of its labouring population, which prevails throughout the province, is confessedly cramping the enterprise and exertions, and otherwise operating most injuriously upon its commercial and agricultural interests; and this consideration would alone appear to me to offer sufficient inducement for entertaining a proposition which I understand to go to the extent of insuring a regular and adequate supply of that valuable class of our fellow-subjects to whom encouragement and assistance is proposed to be given, to enable them, whensoever inclined, to settle upon lands of good quality."

Having now shown that the labouring population of the United Kingdom are frequently exposed to extreme privations, from inability to procure employment, and that the prosperity of many of our colonies is, at the same time, much retarded by the want of an adequate supply of labour, for which they are able to offer a much more satisfactory remuneration than the labourer can obtain in this country,—I am entitled to assume that my case is established; for it appears to me an irresistible inference, that, under such circumstances, it is the duty of the State to come to the aid of the necessities of both the mother country and of the colonies, by supplying the deficiency in the labour market of the one by removing the excess which prevails in the other, and thus converting the involuntary idler into an active and prosperous colonist. Fortunately we have no longer to contend with those prejudices against emigration which formerly prevailed,—prejudices not a little aggravated by the system of transportation, which is soon about to cease. I cannot allude to this subject without offering the humble meed of my thanks to the hon. Baronet, the Member for Leeds, and to the Archbishop of Dublin, for the exertions which they have made to remove from our rising colonies in Australia, the contamination which has been inflicted upon them by the system of transportation, and which has tended to deter from settlement in them all who value the morality of the social circle by which they are surrounded. The best proof I can give of the disposition which prevails amongst the population of the United Kingdom to emigrate is, to remind the House, that in one year (1832), above 100,000 persons emigrated from the United Kingdom; and, during the last fourteen years, not less than 790,398 persons have left this country in quest of a new home; of whom 348,117 have gone to the United States. Without mingling with the remark a single particle of jealousy towards the United States, I may observe, that the greater portion of this large band of emigrants would have directed their steps to our own colonies rather than to the United States, if due measures had been taken to direct to them the stream of British colonisation. We shall, probably, be told, in reference to this statement, that this immense amount of voluntary and unaided emigration clearly shows that it is unnecessary for the State to intervene with any assistance. The answer is obvious: those by whom emigration is most needed, are now unable to carry their labour to our colonies without the assistance of the State. To convey an Irish labourer to Canada, with his wife and two children, would cost about 15*l.*, exclusive of provisions; and it is needless to remark, that a man who scarcely possesses enough to procure for him his daily food, finds it impossible to command such a sum. It is said, also, that if emigration were undertaken by the Government, voluntary emigration would be thereby checked and impeded. This appears to me to be a pure assumption, wholly unfounded in reason. There is no doubt that many would, under such circumstances, endeavour to procure a free passage, who are able to pay for it; but if they were to fail in obtaining such a free passage (and I presume that proper precautions would be taken to defeat such endeavours), I cannot perceive how either the disposition or the ability to emigrate, by which they would have been otherwise animated, can be thereby diminished. Others, again, complain that an extensive system of colonisation carries away the capital and labour of the mother country, which might be more beneficially employed at home. Now, with respect to the transfer of capital, it is to be observed that the amount of capital required to carry on colonisation is very inconsiderable, and that the greater part of it is expended in giving employment to our shipping,—a department of our mercantile industry which it ought always to be the especial policy of Great Britain to cherish and support. Wealth is produced in the colonies, not by large investments of capital removed from employments at home, but by the labour of the emigrants upon the virgin soil of a fruitful territory. But, even if it were true that national colonisation would absorb a large portion of the surplus capital of the mother country, it does not necessarily follow that any injury would be thereby occasioned, because we know that it is impossible to retain capital at home if it can obtain more profitable investment abroad: and it is surely better that it should be employed in adding to the strength and prosperity of the empire, by the creation of new dependencies, than in hazardous loans to foreign countries. The President of the United States, in his last opening address to Congress, estimates the amount due by the different states of the Union to foreign creditors, for which the public faith is pledged, at not less than 200,000,000 dollars, or above 40,000,000*l.* sterling. A large portion of this debt is due to the English creditors: and I am entitled to contend that this portion of the surplus capital of Great Britain might have been at least as advantageously employed in giving birth to new settlements within the limits of our own empire. As to the objection frequently urged in Ireland, that the labour of her population might be much more usefully employed at home,—that our waste lands should be reclaimed,—that public works, on a large scale, should be undertaken,—and that the land already under cultivation should be improved by an increased application of labour, before emigration should be encouraged by the State,—I can only say, that no one feels more strongly than I do the advantage which would arise from directing to these objects the industry of our unemployed population. I have frequently solicited the Government to give every encouragement within the scope of legislation to the reclamation of our waste lands, and even to undertake their cultivation, to a certain extent, by way of experiment and example. If earnest entreaties could have induced Parliament to establish a general system of railways, and to promote other useful public works in Ireland, they would now be in progress. But even if these things were done, still vast numbers of our teeming population would remain inadequately provided for. As for the application of private capital to the improvement of land, I admit that it is most desirable, and that it would be attended with equal profit to the capitalist, and advantage to the labourer; but to wait for it whilst the people are starving is to stand like the rustic, gazing on the river,—

> —— Expectat dum defluit amnis, at ille
> Labitur et labetur in omne volubilis ævum.

Another objection with which we have to contend, is, that the *vacuum* created by emigration would be immediately filled by the natural increase of population. Now, without dwelling upon the observation, that there is no reason why the stream of colonisation should not be continuous, it is to be remarked that my argument in favour of emigration has assumed that there is, at present, an excess of population in the United Kingdom; and to remove an excess is not the same thing as to create a *vacuum*. But it is not, even theoretically, true, that the *vacuum* created by the annual removal of a given number of the population, would, of necessity, be speedily filled. The correctness of this position depends entirely upon the age of the persons who emigrate. The present annual increase of the population of Great Britain and Ireland is about 370,000 individuals. Now, if this number of new-born infants were annually removed, the population, *cæteris paribus*, would remain stationary. But inasmuch as only 350,000 persons, of each sex, arrive, annually at the age of eighteen, it is obvious that, if, out of the 500,000 persons thus annually arriving at the marriageable age, so large a number as 370,000 were to be annually removed to the colonies, the mother country would be speedily depopulated; because the remaining portion of those who arrive at maturity would not be sufficient to keep up the present number of the population. These are, I believe, the principal objections which are usually urged against the principle of colonisation; and those who employ them generally conclude by a touching appeal to the patriotism of the poor, forbidding them to violate, by emigrating, the attachment which they owe to their country. Assuredly, there is no sentiment of the human breast more truly estimable than the love of one's country; but when we find that the wealthier classes of society, to which those who speak this language belong, willingly consign their own children to an exile of thirty years' duration in India,—if, by doing so, they can make a satisfactory provision for them,—it seems almost as if we were mocking the sensibilities of the poor when we tell them that they ought rather to perish in wretched indigence at home than to live in comfort and independence in the colonies. No, Sir, instead of circumscribing their patriotism within the limits of a parish or a province, we ought rather to teach them to indulge the more expansive nationality of regarding every portion of the British empire as the home of the enterprising and the free. Assuming, now, that I have convinced the House that colonisation ought to be undertaken by the State on a scale commensurate with the wants of our colonies, as well as of our own labouring population, I next proceed briefly to review what has been already accomplished towards the advancement of this object, and to point out what still remains to be done. The question of emigration was, in our times, first brought prominently forward by Sir Robert Wilmot Horton, who deserves much credit for having forced it into consideration at a time when the public feeling was decididly adverse to its discussion. At his instance, the Parliamentary Committees of 1827 and 1828 were appointed. They recommended, in their Report, that an advance should be made, by way of loan, on annuity, for the purpose of settling a portion of the surplus labourers of the United Kingdom upon the unpeopled lands of Canada. Under the system recommended by these committees, the labourer would have been placed in occupation of a house and of a hundred acres of land, and would have been expected to repay all the expenses attending his location, by an annuity which was to continue payable for sixty years. Throughout all his publications, as well as in these Reports, Sir Robert Wilmot Horton refers, with great pride, to the success of the Irish emigrants, who were located in Canada, at the public expense, during the years 1823 and 1825. As this experiment is of much importance in its bearings upon the general question of emigration, I may be allowed to mention its details. In 1823, 568 emigrants, of the poorest class, were sent out from Ireland, and located in Upper Canada, at an expense of 12,593*l.*; and in 1825, 2,024 persons were in like manner sent out and located, at an expense of 43,145*l.* It will be perceived that the expense amounted to about 22*l.* per head; but, in the case of these settlers, no re-payment whatever has been required. I cannot refuse myself the pleasure of quoting an extract from a published letter from Chief Justice Robinson to Sir Robert Wilmot Horton, descriptive of their present condition. It was written during the year 1839:—

> "You may be assured that you have not expressed yourself too strongly respecting the favourable change in the condition of the poor Irish who were taken to Upper Canada in 1823 and 1825, in consequence of your benevolent exertions. . . . You would find the former

tenant of a wretched hovel, without object in life, and almost without power to do anything but mischief, become the absolute proprietor of a hundred acres of land, paying no rent, and it may almost be said, with truth, paying no taxes."

There is much more to the same effect, enlarging upon the happy change which has taken place in their condition, and the gratitude which they feel towards the British Government for having enabled them to obtain it. Sir R. W. Horton has recently promulgated the same views as those embodied in the Reports of the Parliamentary Committees over which he presided. He now recommends that one million of persons should be removed from Ireland and located in Canada, at an expense of 12,000,000*l.*, or 60*l.* for each family. He proposes that this sum should be raised, on an annuity of 537,400*l.*, continuing for forty years; that, during the first seven years, the annuity, which would be 2*l.* 13*s.* 9*d.* for each 60*l.*, should be paid by the landlords from whose estates these poor persons are removed, and, during the remaining thirty-three years, by the settlers themselves; after which time, they would possess their land in fee, disencumbered from all rent. With regard to this plan of emigration, I am so confident in the success of almost any undertaking in the way of colonisation, that it is with reluctance that I would suggest a doubt as to its expediency. Indeed, as regards arrangements between landlords and their small tenants, it is probable that some such plan might be attended with advantage to both, if undertaken under the auspices of the Government. Though no one can deprecate more strongly than I do the prevailing system of ejectment for the clearance of Irish estates, I believe, at the same time, that where land has become very much subdivided, it would equally conduce to the benefit of both landlord and tenant, that a portion of the superabundant population should be enabled to emigrate; and, in such cases, it seems to me perfectly fair that the landlord should be called upon to co-operate with the state in defraying the expenses of emigration. But as the motion before the House more peculiarly applies to the class of labourers, rather than to that of small farmers, I am compelled to say that I do not think the proposal of Sir R. W. Horton would be found applicable to their emigration. The mode of colonisation which he proposes is about four times more expensive than that which limits the interference of the State to the simple conveyance of labour to those colonies, in which it finds immediate employment; and although the Irish and Scotch landlords might be willing to contribute to a considerable extent towards the location in Canada of their small farmers, in consideration of the benefit thereby resulting to their estates, I feel persuaded that they would not be found willing, except, perhaps, in a very few cases, to make such contribution as Sir R. W. Horton proposes, towards the location of the mere labourers, in whose removal to the colonies they have only an indirect and incidental interest. Neither, as regards the well-being of the labourer himself, is this scheme of emigration equally eligible with the plan of simple conveyance to the colony. Being wholly unaccustomed to the system of Canadian farming, he would be exposed to many difficulties, when first placed in possession of his land, which a short preparatory residence as a labourer in Canada would obviate. Experience has also shown that there is the greatest difficulty in obtaining repayment of the expense of effecting these locations, in those cases in which, as was done by the New Brunswick Land Company, an attempt has been made, by artificial means, at once to convert the labourer into a landholder. As soon as he finds himself burdened with a heavy debt, he becomes exposed to the temptation of exhausting his land to the utmost, and of then escaping from his liabilities, by passing over to the United States. Even with a view to the interest of the settler himself, it is much better that those who have no capital should commence their career in America as labourers; and if they are possessed of ordinary prudence, they soon find themselves enabled to purchase land, which may be obtained at the rate of 5*l.* to 15*s.* per acre, when they have acquired, by a short residence in the colony, both experience and capital sufficient to enable them to cultivate it to the greatest advantage. I have only to add, in reference to this proposal, that it did not find acceptance with the public or with Parliament, and, accordingly, it has not been acted upon.

One of the measures recommended by the Committee of 1828 was, that parishes in England should be enabled to raise money, by way of poor rate, for the purpose of assisting the poor to emigrate. This suggestion has been carried into effect, a clause embodying this point having been inserted in the Poor-law Amendment Act in 1834. It has been acted upon, to a limited extent. In 1836, as many as 4,600 persons were enabled to emigrate from different parishes in England to Canada, by the aid of the poor rate. The beneficial operation of this act has, however, been much impaired by the absence of any organization, in Canada, for conducting the emigrants, on their arrival, to those parts of the colony in which there is an active demand for labour. It is not surprising that, when 20,000 or 30,000 labouring emigrants land at Quebec in the course of a few months, the surrounding district should be found unable to absorb so large a supply of labour; and though even a greater number would easily obtain employment if they were distributed through the more distant parts of those extensive regions, yet the influx into one sea-port of so great a number of persons unprovided with the means of going into the interior, and wanting the direction of adequate superintendence, often occasions great temporary suffering among the emigrants, and tends to create an unfounded impression at home with respect to the difficulties attending emigration to the Canadas. A clause was also introduced into the Irish Poor law, to enable parishes to contribute a portion of their poor rates, to enable their poor to emigrate. It was, however, so framed as to render it extremely difficult to be brought into practical operation. It requires that, before any advance can be made out of the poor rate for the purposes of emigration, the consent of the ratepayers of the district shall be first obtained. Now, the reference of any question whatever to the general body of the ratepayers, rather than to the guardians, must always be attended with considerable inconvenience, on account of the difficulty of ascertaining the opinion of large bodies of persons; but in the case of emigration especially, it is to be feared that the farmers, who have an interest in keeping the wages of labour as low as possible, will not be much disposed to encourage and facilitate the distressed labourers to emigrate. On the part, also, of the holders of property at large in Ireland, who have recently consented to take upon themselves the payment of rates for the relief of the poor, to an extent which will probably exceed 500,000*l.* per annum, there will naturally be considerable reluctance, except under the fear of being burdened with the maintenance of the unemployed labourers in the workhouse, to subject themselves to additional taxation for the advancement of an object such as emigration, which they will justly regard as one of national, rather than of merely local, concern.

I now come to what appears to me the great era in the history of modern colonisation,—I mean, the promulgation of the Wakefield principle of self-supporting emigration. In the year 1830, Mr. Wakefield published a pamphlet, in which were set forth new views upon the subject of colonisation. In this work, he clearly showed that the mode of founding colonies which had so long prevailed, and of which, the case of the Swan River settlement afforded the most recent and most striking instance,—by conferring upon individuals gratuitous grants of land to an enormous extent, tended to create and perpetuate evils which have the effect of greatly retarding the advancement of their prosperity. He showed that this unlimited facility of acquiring large tracts of wild land induced persons to appropriate to themselves more land than they could possibly improve and settle;—that it caused large unreclaimed blocks of territory to be interspersed between the settlers, thereby intercepting their communication, and preventing that mutual co-operation, without which each individual becomes comparatively helpless;—that it induced the poorer emigrants to become proprietors of land before they possessed capital to cultivate it; whilst, at the same time, it deprived the capitalist—(as was remarkably the case with Mr. Peel, who obtained an immense grant of territory, and took out a large body of settlers to the Swan River)—of the means of obtaining the labour necessary to render his territorial acquisitions valuable to himself and others. In order to correct the evils arising from the dispersion of settlers, occasioned by this pernicious system, Mr. Wakefield suggested, that, in future, all land in the colonies belonging to the Crown should be sold at a fixed *minimum* price, and that the proceeds arising from its sale should be applied to the conveyance of emigrants to the district in which the land was sold. He argued, that, by adopting this simple principle, a proper ratio between capital and labour would be secured; that all favouritism in the disposal of land would be prevented; that none would pay for land who did not intend to cultivate or bring it under settlement; that the money paid for such land would, in fact, be employed by the State for the immediate benefit of the purchaser, inasmuch as it would be applied to obtain for him a supply of labour, without which his territorial acquisitions would remain valueless; and the condition of the labourer would also be improved, because, instead of possessing land, useless to him without capital, he would obtain regular wages, until he should be enabled, out of his earnings, to apply capital to the purchase and improvement of land; and that, as each additional emigrant would, after a short time, be enabled to make such purchases, the funds applicable to emigration would increase by a regular and constant process of accumulation. These views recommended themselves so strongly to the favourable judgment of the public, that they were not long in finding active supporters. A society, denominated "The National Colonisation Society,"—of which my hon. Friend the Member for Hull, who has done so much for colonisation, and myself, were members,—was formed almost immediately after the appearance of Mr. Wakefield's pamphlet, for the purpose of forwarding and giving practical effect to the principles which it contained. These principles were afterwards so far adopted by the Government, that, in the year 1831, Lord Goderich sent out circular instructions to all the colonies, directing that, in future, the Crown lands should no longer be granted gratuitously, but should be sold. The Government refused, however, at the same time, to attempt the full development of Mr. Wakefield's principle by applying, in all cases, the proceeds arising from the sale of lands in the colonies to the purposes of emigration. It has been since partially tried, and the result has fully justified the soundness of the principle upon which the proposal rested. As early as the year 1836, the sale of unappropriated lands in the colony of New South Wales produced, in that year, the sum of 126,628*l.* The funds arising from this source have since been, in part, applied in aid of emigration to that colony, but a large proportion of them has been diverted to other purposes. So much benefit has resulted from the immigration thus created, and so highly is that benefit appreciated, that, at this moment, the greatest possible discontent prevails in New South Wales, on account of the application of the land fund to other purposes than emigration. This departure from a plan of colonisation so acceptable to the colony from which these funds are derived, founded upon such sound principles, and in some measure guaranteed by the Minister for the Colonies, in a despatch to the Governor of New South Wales, admits of the less justification when it is remembered that the exclusive appropriation of the land fund to the encouragement of emigration was strongly recommended by a select committee of this House, over which my hon. Friend, the Member for Sheffield —who has been so able and efficient a supporter of this system of colonisation—presided, in the year 1836. Nor can the House forget the strong impression created in support of this principle by the powerful speech of the hon. Member for Sheffield, during the last Session, and by the debate which ensued. The merits of this system have, in the mean time, been fully tested in the case of South Australia, and have been there attended with the most perfect success. That colony was founded upon the express engagement, guaranteed by legislative enactment, that the proceeds arising from the sale of land should be strictly applied to labour emigration. The best proof I can adduce of the successful application of the Wakefield principle to this settlement is the fact that, though four years have scarcely elapsed since its foundation, more than 250,000*l.* has already been realised from the sale of land; which amount has either been already applied, or now remains applicable to the conveyance of emigrants. Never, indeed, was a colony established in which public opinion has manifested so much confidence. I have here to notice the most recent proceedings, on the part of the Government, with regard to emigration. The South Australian Commission, consisting of an unpaid body of independent gentlemen, by whom that colony was founded, have been displaced, and their functions have been transferred to a Board of Land and Emigration, consisting of three paid Government commissioners. With this proceeding I am not disposed to find fault; because, as a general principle, I prefer paid to unpaid services, and because I am of opinion that a board was much required for the purpose of exercising a general superintendence over emigration to all our colonies. I cannot, indeed, wholly refrain from misgivings as to its efficiency, when I remember that, if it had rested with the Colonial Office alone, to establish the colony of South Australia, that flourishing settlement would never have been founded; and when I perceive that, although the noble Lord (Lord John Russell) has recently avowed himself a convert to that system of which Mr. Wakefield was not only, as the noble Lord designates him, the advocate, but the originator, he yet hesitates to apply it, in all its integrity, to New South Wales and our other colonies. In reference to this subject, I feel that it is only an act of justice to an individual who has, in my opinion, conferred a great benefit upon the empire at large, to express my regret that Mr. Wakefield has not been employed by the Government to aid in the practical developement of those enlarged views of colonisation of which he has been recognised by the noble Lord, in this House, as the ablest supporter. I make this remark, without any regard to personal considerations, for I have but a very slight acquaintance with him; but I feel it my duty to notice it, as a matter in which the public interest and the extension of our colonial empire are concerned. I confess, too, that I should be disposed to augur badly of the spirit by which the Colonial Office is animated, in regard to emigration, if I were to judge it by its proceedings in reference to New Zealand. Look at the history of those proceedings. In the year 1838, certain benevolent and public-spirited individuals, struck with the fertility and resources of New Zealand, determined to undertake the foundation of a British colony in those fine islands, upon the same principle that had been found so successful in South Australia. When they applied to Parliament for its sanction to the undertaking, they were told by the Government that this sanction would be withheld unless the gentlemen interested in the proposal of the measure should form themselves into a land company, the directors of which would have a pecuniary interest in the settlement. Accordingly, in compliance with this suggestion, a company was formed in the year 1839; but, instead of meeting with that assistance and encouragement which they were entitled to expect from the Colonial Office, every obstruction has been thrown in the way of their noble enterprise. The course taken by the Government, with regard to this project, is perfectly inexplicable; and any one who reads the correspondence relative to it, which has been recently laid before the House, would almost be tempted to say, that the Government had taken that precise course which was best calculated to invite foreign powers to question our undoubted right to supremacy in those islands. I make this observation in no unkindly spirit, but with the view of imploring the Colonial Office to retrace its steps before it is too late. As the company have already sent about 1000 settlers, and have acquired an immense territory, by purchase, from the natives, the Government will soon be compelled to form a deliberate decision, whether, or not, they will recognise New Zealand as a British colony, and undertake its government on their own responsibility. I trust that they will not hesitate to bring within the compass of British civilisation a country possessing so many advantages of every kind, in which, under proper arrangement, many thousands of our unemployed population would find profitable occupation for their industry, whilst, at the same time, they would enlarge and strengthen the boundaries of our empire. Having now examined, in review, the successive efforts which have been made to extend emigration, I have only to point out what still remains to be accomplished. If I am asked what specific measure I am desirous that the Government should adopt, I answer, in one sentence, provide a free passage for every industrious man of good character who cannot find adequate employment at home, to those colonies in which his labour being much wanted will be adequately rewarded, and by a removal to which his condition will be in all respects improved. If I am asked in what manner the funds necessary to conduct such an extensive emigration shall be provided, I might reply that it is for the executive Goverment to consider in what manner those funds may best be obtained; and that, if Parliament be as strongly impressed as I believe it to be with the necessity of providing for the well-being of our surplus population, and for the prosperity of our colonial empire, the Government may confidently rely upon its disposition to support any financial measures which may be required for the promotion of these objects. But I will not hesitate to point out the sources from which it seems to me that the necessary funds may be derived, without imposing any burdensome sacrifice upon this country. Even if such sources, however, were not available, considerations of expense ought not, in my opinion, to deter us from undertaking colonization. For my own part, I should not regard a loan of ten or twelve millions sterling, applied at the rate of a million a-year to emigration, as an improvident application of the capital and resources of the mother country. Neither should I object, if other means were not available, to an apportionment of the expenses of emigration between the colony, the public at large, and the local district relieved by emigration; inasmuch, as the benefit would be shared by each of these three contributing parties. But it is not necessary to have recourse to either of these expedients for raising the funds necessary to carry into effect the emigration recommended in the resolutions now before the House. We have only to avail ourselves of the principles already partially tried—where tried found successful—and fully sustained by the approbation of public opinion, both at home and in the colonies. The waste lands which still remain ungranted in the colonies, may justly be regarded as held in trust by the Crown for the common benefit of the whole British people. If the proceeds arising from the sale of this land were henceforth to be strictly applied to emigration, it would be difficult to assign limits to the amount which might be derived from this source. In a single year (1836), there was received from the sale of land in the United States, no less a sum than 25,000,000 dollars, or above 5,000,000*l.* sterling; and as Great Britain possesses an extent of land in her colonies which may almost be designated as unbounded, it is not too much to suppose that, under the operation of the self-supporting principle of colonization, the funds derived from the sale of land would augment with a rapidity which we dare not at present calculate. For my own part, judging by the receipts which have already been derived from this source, I am fully persuaded, that if the Government had espoused this principle in 1830, when it was first proposed, and had faithfully adhered to it, they would have had, at this moment, an annually augmenting revenue from our colonies, applicable to emigration, of not less than 500,000*l.* per annum. Let them begin, then, by acceding to the wishes of the people of New South Wales and of the other Australian settlements, by giving a strict guarantee that the land fund shall not be diverted from emigration, and, if necessary, by raising a loan, upon this security, to meet the present intense demand for labour in these settlements. Let them take possession of such land in New Zealand as shall be voluntarily ceded by the chiefs, and put an end to the scramble for it which is now going on among private individuals,—undertaking, at the same time, the colonisation of those islands, and the civilisation of its natives. Let them give to the Cape of Good Hope a supply of labour adequate to its wants,—raising, if necessary, a loan for that purpose, upon the security of its land revenue. With respect to British America, the course of proceeding is somewhat more complex; because the Crown, having surrendered to the control of the provincial Legislatures its territorial revenue, their consent becomes necessary to any measure by which its appropriation may be effected. But, from the language which is held in reference to emigration, in all documents proceeding from the British inhabitants of America, there is every reason to expect that they will not only willingly, but gladly, co-operate with the Government in applying to the introduction of emigrants the land revenues now placed at their disposal. It is true that, in the Canadas, a large portion of the public land has been already granted to individuals; but, upon the whole, the land belonging to the Crown which still remains unsold in British America has been estimated to be worth 7,500,000*l.* There is, at this moment, a sum of 60,000*l.* due by the Canada Company to the Crown, which could not be applied in a manner more satisfactory to all the parties interested than in compliance with the request of that company, by appropriating it to purposes connected with emigration. A sum of about 40,000*l.*, due by the British American Land Company in Lower Canada, might also, with advantage, be applied in a similar manner. But, if any difficulty should arise in obtaining funds for the promotion of emigration to Canada, in consequence of the limited extent of Crown domain now available for sale in that colony, the Government cannot meet that difficulty in a manner better calculated to promote the interests of Canada, than by recommending for adoption by the provincial Legislature the suggestions contained in the Appendix to Lord Durham's Report, in a very valuable paper which bears the signature of Mr. Charles Buller, but the authorship of which has, I believe, been assigned by him to Mr. Wakefield. I allude, now, particularly to that portion of the Report, in Appendix B, which recommends a tax upon wild lands in British America, for the purpose of raising a fund to carry on public works and emigration. Those who are acquainted with the circumstances of Canada are aware that the improvement of that colony has been greatly obstructed by the interposition between the settlers of large tracts of land, which have been acquired by individuals at the time when the profuse and indiscriminate system of land-granting prevailed, and which are left by these proprietors in their original uncultivated state. A tax upon wild lands—payable either in land or money—will have the effect of compelling such proprietors either to sell or surrender a portion of these lands for the payment of the tax, or to take such measures for clearing, improving, and settling them, as will render the charge of a moderate land-tax wholly inconsiderable. Such an assessment would, in fact, confer upon the landed proprietors of Canada the most valuable boon which they could receive, if the fund raised by this means be strictly applied, within the district on which it is to be levied, to the purposes designed. It is, indeed, so regarded by all the most intelligent owners of land in British America, who feel that the imposition of such a tax, applied to public improvements, would only be to require each proprietor to contribute to a common fund for the benefit of all, to be appropriated to objects essentially requisite to give a value to their lands, which, whilst they continue in a state of nature, are only nominal and unprofitable possessions. To the industrious settler, on the other hand, a moderate tax upon wild lands would afford substantial relief, if accompanied, as it ought to be, with the abolition of the obnoxious duty of statute labour. Captain Pringle, in a paper recently presented to the House, computes that the settler who owns fifty acres of land in Upper Canada, of which he has cleared thirty, now pays, in local taxation (assigning its proper value to the statute labour to which he is liable), not less than 1*l.* 5*s.* 1*d.*; whilst the great proprietor pays for the same extent of land, in an unreclaimed state, an annual charge of only 1*s.* 4½*d.* It has been estimated that a tax of only twopence per acre upon wild lands in British America would produce a net revenue of upwards of 150,000*l.* per annum. Here, then, is a fund susceptible of constant augmentation, upon which advances might be made by the Treasury, by way of loan, repayable by instalment, in the same manner as advances are now made upon the security of rates and tolls, to the extent of several millions, by the Exchequer Bill Commissioners and by the Irish Board of Public Works, to the counties and local trustees of England and Ireland. There is no subject with respect to which the feeling of the British population in America is so unanimous as with regard to the urgent necessity of undertaking public works on an extended scale; and, inasmuch as, in those colonies where almost every man is in possession of land belonging to himself, public works cannot be extensively undertaken without obtaining a supply of labour from external sources, there can be no doubt that the inhabitants of the Canadas would willingly consent to the application of a portion of the funds raised upon the security of the wild land tax, to the acquisition of such a supply, by emigration from this country. It is possible, indeed, that, as has been the case in Australia, they may be found unwilling to pay the expense of conveying to the colony the children and aged persons belonging to the families of the youthful labourers whose industry they require; and, in such case, it is not unreasonable that, either by way of local contribution, or by assistance on the part of the State, or by the combined action of both these means, the young and the aged of our unemployed population should be enabled to accompany the more vigorous portion of their families to their new destination. There is one objection to the encouragement of emigration to British America at the expense of the State, which deserves to be considered, because it undoubtedly possesses some validity. This is the apprehension that the emigrants carried out at the public expense will pass over to the United States; so that the cost of their conveyance will fall upon Great Britain, whilst the benefit of their industry would be obtained by another nation. It seems to me that this danger has been overrated. If the number who have gone from our colonies to the United States had been as great as is supposed by some writers, the population of the Canadas could not have reached its present amount. Under a well-regulated system of emigration, there is little reason to apprehend that such removal would take place to any considerable extent. The climate of Canada is better than that of the United States, its soil as good, taxation is lighter, and the British emigrant enjoys, there, the advantage of living under those institutions to which he is accustomed and attached. If the same British capital which now finds investment in public works in the United States, were encouraged to seek employment in Canada, the remuneration of labour would be higher in our own colony than at the other side of the border; and if the emigrant labourer, instead of being thrown unaided and forlorn into the sea-ports of Lower Canada, from which he is frequently allured by misrepresentation into the United States, were conducted to those parts of British America where he would find certain and immediate employment, he would seldom be disposed to exchange the certain advantage thus secured to him for the chances of an adventure into the United States. Much might be done, also, to prevent such a result, by an improved administration of the land department of the colonies. There is abundant evidence to show that many persons who have gone out with the intention of settling in the Canadas, have been driven to the United States by the delay arising from the imperfection of surveys, and the difficulty of acquiring titles in the land department of our colonies. This source of injury may be easily obviated by greater energy in the local administration. Many, too, have been driven away by finding that the interposition of large blocks of wild land, as "clergy reserves," between the different settlements, has prevented those improvements from taking place which would have rendered all property in the neighbourhood more valuable. It is true, indeed, that, to the extent of one fourth of their whole amount, legislative permission was obtained, in 1827, to sell these clergy reserves; but, in Lower Canada,—rather more than one fourth having been already disposed of,—all further sale is now arrested. It is necessary, therefore, in order to remove this source of complaint, that power should be given to bring the remainder of these reserves into the market whenever the interest of any district requires their sale. In reference to the systematic conduct of emigration to British America, it is of great importance that a local agency should be established, for the purpose of ascertaining, during the winter season, the supply of labourers that will be required by each district; so that emigrants, when they arrive, in the summer, may be directed to those localities in which they will be sure of obtaining employment. Official reports relative to the probable demand for labour in each district, in the different provinces of British America, ought to be sent over and circulated in this country as early as possible in the spring, so that if anything should have occurred to diminish the demand for labour in any particular quarter, it might be made known in time to prevent the disappointment of false hopes on the part of the emigrant. In closing this statement, I have only to advert to one additional point, to which I am disposed to attach considerable importance. We hear so much of the spiritual destitution which prevails in our colonies, that it becomes a matter of public concern, in founding a system of colonization under the auspices of the State, to make provision for the religious instruction of those who emigrate. It seems to me, therefore, that wherever a considerable body of persons belonging to any particular religious persuasion emigrate to any colony, a sufficient number of clergymen of the same persuasion should be encouraged to accompany them, by the grant of a free passage, and by the assignment to them of a small permanent endowment in the colony. I have reason to think that the Roman Catholic clergy of Ireland would view emigration with much more favour than they do at present, if some such arrangement were made for the religious superintendence of the numerous emigrants belonging to that persuasion; and, indeed, it is a feeling which must be shared by every conscientious minister of every persuasion. I have now gone through, at more length than I could have desired, the various topics to which I have thought it my duty to allude, in connexion with the subject which I have undertaken to submit to the consideration of the House. It will be perceived that I have proposed no new scheme—that I have suggested no untried experiment—but that I have limited myself to an earnest solicitation, that plans proposed by others, and partially adopted, may, without delay, be carried into full and practical effect. I rest my appeal to the House upon the simple consideration that it is our duty, as guardians of the happiness of the people, not to allow our population to famish at home, whilst such abundant resources lie open to our command in other portions of the empire. I need not add, that I have brought forward this motion with no unfriendly feeling towards the Government, whom I believe to be not so much, themselves, disinclined to promote colonisation, as timid in regard to the reception of any proposal which they might be disposed to submit to the country for its extension. One of the objects, therefore, which I have in view in proposing the present resolutions, is to give this House an opportunity of declaring that it will cheerfully afford its support to such a proposal, if made by the Government. I appeal, too, with some confidence, to the noble Lord, the Secretary for the Colonies, because I know that he possesses a mind to comprehend, and energy to execute, whatever is calculated to conduce to the public advantage. He has done much for his country and for mankind; but I feel persuaded, that he can couple his name with no act of greater utility, or to which he will look back with greater satisfaction, than to a measure which would cause the cry of hunger to be no more heard throughout the land. Nor can he acquire any prouder title to fame, than to have realized for his country and for his Sovereign, the prediction which was addressed by our great poet to a former monarch of these realms:—

"Wherever the bright sun of heaven shall shine,
Her honour and the greatness of her name shall be,
And make new nations."

For myself, I advance no higher claim than to have been, in regard to this matter, the humble follower of abler men; and, as it has always been a source of satisfaction to me, to have been among the earliest supporters of that system of emigration, which has already indicated the mighty results to which it may hereafter lead, so, also, do I now rejoice in the indulgence of an assured expectation, that, at no distant period, we shall witness the full accomplishment of a measure which will alike conduce to the aggrandisement of the empire, and the individual happiness of its population—the establishment of a well-regulated system of national colonisation. I beg, now, to move the following resolutions:—

"That, in Great Britain and Ireland, the working classes are frequently exposed to extreme privation, from inability to procure employment:

"That, in several of the British colonies, the demand for labour is urgent, continuous, and increasing, and its remuneration is comparatively ample, whilst the prosperity of these colonies is much retarded by its inadequate supply:

"That, under these circumstances, it is expedient that a free passage to those colonies which offer the greatest rewards to industry should be provided by the State for such of the labouring classes as are disposed to emigrate thither."

Mr. *Hutt* rose to second the motion, which he was sorry, from the scanty attendance of Members, to find was so distasteful to the House. His hon. Friend the mover had already adverted to almost every topic which could well be advanced in support of the resolutions before the House. There was one of his hon. Friend's observations in which he should have had great pleasure to have concurred, had he seen a probability of its realisation by any measure emanating from the Colonial-office. For his part he was persuaded that to depend upon such a measure as the means of placing these countries in so flourishing a condition as that the cry of hunger should no more be heard in the land, was quite a visionary hope. No man who had looked narrowly into the state of society in the present day, and had investigated the causes of complaint so frequently, though vainly, submitted to Parliament, in the hope of redress, could avoid the inference that there was something more than Chartist oratory in operation upon the minds and conditions of the lower classes in this country, to induce them to abandon their peaceable habits, and rise up, as they had lately witnessed, in large masses, in open violation of the laws. The Government of the country should cease to cajole itself with the idea that there was not something radically wrong in the constitution of society, and attempt to remedy the evil, and restore the people to a just confidence in its Government, and an affection to its national institutions. It might have been the duty of the Government to vindicate the laws which had so lately been insulted, by exemplary punishment; but if they had felt it their duty, as Ministers of the Crown, to do so much in the way of punishment, it was no less their bounden duty, as statesmen and as Christians, to do something by way of prevention of such offences. He certainly thought the condition of the labouring classes in Ireland was much worse than it was in this country. He did not think that in periods of bad harvests, of commercial embarrassment, or of mercantile depression, that there was, even in England, abundant means of giving employment to the labouring classes. These periods were not of unfrequent occurrence, even in a former state of society, when the population of the country was only a fraction of what it now was. When these things were taken into consideration, perhaps it was not to be wondered at that so much public disapprobation with the state of their country and its constitution had been openly avowed, and men began to ponder upon the means of settling in our colonies, and flying from a state of things which they believed to be too desperate to expect the Legislature itself could easily remedy. The existence of such a feeling of despondency in a large portion of the public was as much deplored by himself as by any other hon. Member in that House. There was reason, however, to believe that it was gaining ground, and that it furnished even an inducement to some industrious and peaceable persons to turn their thoughts to emigration to the colonies, and to abandon with their families the country of their birth. Having alluded to the existence of such a feeling, he should trouble the House by reading an extract from a letter received by an operative in London, from a person who had located himself at Port Adelaide about two years since. The writer stated

> "That he had been a small shopkeeper in the city of London, and, as his correspondent well knew, not in the worst circumstances, but that he had the greatest reason to be grateful for having resolved to give up his business and emigrate to that colony. He strongly recommended his correspondent to give up the struggle for mere bread, and a scanty subsistence for his children, in a country beset with difficulties almost insurmountable to operatives and labouring men with families. The advantages which he had reaped since his arrival up to the date of the letter (November, 1839), had been so great, that he confessed he was ashamed of himself for having so long submitted to act the part of a willing slave for a mere livelihood in London, out of attachment to a land in which the industry of every man in his situation was cramped or burdened as it now was in England."

The acceptance of the Colonial Secretaryship by the noble Lord (Lord J. Russell) had given him much satisfaction, because he naturally thought, from what he knew of the principles entertained by the noble Lord on the subject of the colonies and colonisation, that his appointment to the Colonial-office would have been the commencement of a happier and better era for our possessions abroad; but he was sorry to say that he had been deceived in his expectations. The spirit of the Colonial-office had seized upon the noble Lord and paralized him. All that was required was, that those funds which were provided by the colonists themselves, instead of being wasted and distributed among the colonial officers and agents at home and abroad, should be set apart and devoted solely to the purposes of emigration. He contended that the proceeds of the sale of the waste lands of the colonies would furnish ample funds out of which the poor starving labourers of these kingdoms might be provided with free passages to our various colonies. He was very sorry to see that by the Canada Bill which the noble Lord, the Secretary for the Colonies, had brought before the House, that fund, which ought to be applied only in furtherance of emigration to that colony, was to be handed over to the colonial authorities for other purposes. In New South Wales also, where it was distinctly understood that the funds arising from the sale of the waste lands should be applied only in promoting and encouraging emigration to that colony, they had been devoted to purposes of a nature wholly different. The Cape of Good Hope furnished yet another instance of the misapplication or those funds. In that colony 30,000*l.* a year was derived from the quit rents, and, although the colony was almost perishing for want of labourers, none of this money was applied to the purposes of emigration. He should with much pleasure support the resolutions of his hon. Friend generally, for it was his firm conviction that if the principle of those resolutions were carried out, the most beneficial effects would be produced. He believed the result would be to lighten the burden of the poor laws, and to extinguish chartism, unionism, and all other unsocial combinations in this country.

Mr. *Lucas* thought that the country was highly indebted to the hon. Gentleman for calling the attention of the House to the subject, and he much regretted that the present state of the House did not afford a more favourable opportunity for its discussion, particularly when he knew, and every Member of the House knew as well as he did, that if the question was, whether a Member should be added to the Whig or the Tory side of the House, the benches would be filled to repletion. He would not detain the House long, because he was as sensible as the hon. Gentlemen who had preceded him that the House was not much disposed to listen to him. That was not the time for talking about particular plans, but he thought that more facilities for emigration might be afforded by the Government. He suggested, that available security should be taken for the payment of the expenses after the settlement of emigrants in Australia. But he would not detain the House with remarks on matters of detail. He begged to express his general concurrence in the resolutions, and his readiness to support the object the hon. Member had in view.

Captain *Boldero* thought the House was much indebted to the hon. Gentleman for bringing this subject under its consideration, but there was one colony to which the attention of hon. Members had not been directed on the present occasion—he meant New South Wales. In the year 1831, it was determined that sales of land should take place, and from that time down to this period, sales had been effected by the Government to the amount of 800,000*l.*, of which only about half had been appropriated to the purposes of emigration. He must say, that if the Government of the present day had devoted one half of the produce arising from the sale of lands, they had acted with great injustice towards those who had been induced to purchase lands under the impression that emigration would be promoted by all the money they paid. The annual amount of taxation in New South Wales, was 250,000*l.*, which, taking the number of the population, was at the rate of 2*l.* 10*s.* per head, being 20 per cent. more than we at home paid. The colonies of New South Wales were entitled to the benefit of the 400,000*l.* which had been raised by the sale of lands. It was admitted by all that there was a redundant population, and he thought that a most favourable opportunity was now afforded for getting rid of some of that redundancy by encouraging a system of military emigration. The day was coming when we must withdraw our army from Canada; and now was the time to commence a system by which soldiers would be induced to go thither—a system which would hold out to them the prospect, after a few years' service, of a settlement in the colony amongst their friends and companions—a system which would improve the present method of recruiting, and render quite unnecessary the barbarous coercion of the cat—a system, he would add, which would stop the frequent desertions from the army. — [" *Cheers.*"] — The noble Lord cheered that observation; but the noble Lord must know that desertions from the army in Canada, were going on by dozens and scores. Let the soldier be led to expect, after a certain period of servitude, a settlement which would be advantageous to him, and he would be less influenced by hankerings after home, and by the temptations which neighbouring states, where labourers were wanted, held out. At present the soldier, when he applied to return home to see his friends, was refused, his officers having no means or power to comply with his request, and the consequence was, that he remained in the ranks discontented and careless, and became at length indifferent to his character as a soldier, and dissipated in his habits. Now, if by an alteration in the present system soldiers could be made to feel that the colony would become their home, a double advantage would be gained to the mother country, for the character of the military would be improved, while the possession of the colony would be rendered more secure. He was anxious that an investigation of this subject should take place, and indeed of the condition of the colonies generally. He hoped a committee would be appointed for that purpose; for, however industrious the noble Lord, the Secretary for the Colonies might be, it was clear it was too much for one man to have the superintendence of nearly forty different foreign possessions. He was certain that much information was required, and might be obtained through the inquiries of a committee, information of the greatest importance to the noble Lord, and to all who were interested in the welfare of our colonial dominions. All history showed that the most flourishing colonies had been those which were founded and peopled by military emigrants, and if the noble Lord would grant a committee of inquiry, he should be most happy to lend every assistance in his power in furtherance of that object, and he thought he could show the noble Lord the advantage of adopting his suggestions with regard to the army.

Mr. *Villiers* did not rise to express any difference of opinion from those hon. Gentlemen who had preceded him, and who had expressed a general concurrence in the views stated by the hon. mover of this question; and he shared in the satisfaction which they had said they felt at the subject being brought before the House; his difference from the hon. mover, he was bound to say, was rather in those general positions on which the hon. Member had based his proposition, than in the conclusion to which he had arrived.

He thought, that the hon. Member and the seconder had attempted to establish a connection as necessary between things that were distinct. He alluded to the domestic policy of this country, and that which they recommended for the colonies; and they had, he thought, intended to show that the necessities of this country could only be relieved by satisfying the wants of the colonies. The mover and the seconder had ably exposed to the House the mode in which a colony could be enriched by the efflux of capital and labour from this country; and they had with far more ability done what he had attempted to do on more than one occasion this Session, namely, to bring before this House the sad condition, physical and social, of the labouring classes in this country; but where he thought they failed was in showing that the only policy for this country was to provide the fund for sending forth those who were without employment here to meet the wants in regard to labour of some distant dependency. He did not, of course, deny that if the people were suffering here, and that if they could be removed at the public expense, and located where they would prosper, that it would be an advantage to them, but he thought, that some inquiry into who and what is the cause of their distress was required before they should cast a fresh burden on the people for that purpose. [Mr. *Hutt*—that is proposed.] With respect to that, there may be some difference between the mover and the seconder, but if he read the proposition of the mover rightly it implied it, and if he heard him correctly the resolution stated, that the removal of the people was his plan. The Member for Hull had certainly said, that his object was only to apply the proceeds of the land fund to the purposes of emigration, which was a different plan, and which he, for one, with the view to the prosperity of our colonies, would wish to see adopted. That was wise policy as regards the colony, and one which he thought it was entitled to claim, though he must say, that he thought, that the important result of that plan was, that it tended to improve the value of the property in the colony, as the sale would be much more productive if such an application of the purchase money was a condition of the sale. It was an assurance to the colony of future value, which it would be without, unless labour was supplied to it, and he thought that the Gentleman who had devised the plan had deserved all the credit which had been ascribed to him. But that was not the spirit nor the substance of the hon. Member for Limerick's proposition, which went to establish what the hon. Member termed state emigration. That proposition he contended, distinctly raised the question, as to the cause of that distress amongst the working people which renders it politic to convey them from their own country to another; and it was not enough, in his judgment, to show that it would be a relief to Irish landlords to clear their estates under their new liability of the Poor-law. It was not enough for those who maintain the Corn-laws here to show that the charge of the poor was becoming more burdensome to them, unless they also showed that it was not their own laws, and that policy which prevents food coming into this country, and employment being given to the people to obtain that food, which really caused the present distress of the industrious classes. This he believed distinctly was the cause of that distress, and for one he felt little disposed to relieve those who supported such a law from the only evil they dreaded from it. The only prospect he saw of bringing them to their senses was, that the evil should re-act upon themselves, when, by a serious experience of its influence upon their property they would at last be made sensible to its general mischief. Let the House only consider what the evil was for which this remedy was proposed—that the people here are destitute, are without food; and what is the remedy? To send them to a distant land, where food is to be found. Surely the wiser course would be to let the food come to them. The advantages of colonising the waste lands in these colonies was dwelt upon, but the advantage of bringing fresh land, or what is the same thing, the produce of that land, which is all that makes it of value to anybody, to this country is surely a greater advantage; and truly the effect of repealing the Corn-laws is just that of adding so much land to their own territory. But this was refused; and for the purpose of preventing it, a mischievous restraint was imposed on commerce, and thus the people were deprived of food and of employment. To prevent such legislation as the Corn-laws becoming troublesome to this country, a fresh charge for emigration was to be recommended. It was the effect of this and other restraints upon commerce that gave rise to the notion of redundancy of labour in this country. He believed there was no necessary redundancy. That was a relative term, and had relation to the means of employing the labourer. He believed that there was a redundancy of capital as well as of labour in this country, and that what was really required was a wider field for its employment—but the Corn-laws prevented it, and unless they were shown to be necessary, he, for one, would never give a vote for one sixpence out of the public purse to relieve those who maintained them from their consequences. The Corn-laws, defend them who might, and upon general grounds if they pleased, must be admitted by all to operate as a check to commerce, and to impede the progress of manufactures. That, he contended, was an enormous evil; and, under these circumstances, to aggravate that evil by making those who were obliged to remain in this country pay for those who emigrated would be a combination of folly and injustice that he would never be a party to.

Sir *R. Inglis* rose, exclaiming *Ecce iterum Crispinus!* He certainly must confess that he admired the perseverance of the hon. Member who had just sat down, who, notwithstanding all the lengthened speeches he had recently delivered on the Corn-laws, still returned, even in this discussion, to his favourite theme. The hon. Member reminded him of Papin's bone-digester, which turned everything into food. Whatever the subject, the hon. Member was sure to convert it into a question of the Corn-laws. With regard to the proposition for a committee of inquiry, he must say that he had more confidence in the ability and probity of his noble Friend, the Secretary for the Colonies, much as he was opposed to him in politics, than in the result of the labours of any committee of that house, of whomsoever it might be composed. He was sure the House would agree with him that if they did assent to the resolutions which the hon. Member opposite had submitted to their consideration, they were bound to adopt such measures as might be necessary for carrying them into full operation. There could be no use in merely loading their journals with a set of truisms: if they adopted a principle, nothing could be more clear than that they ought to be prepared to carry it out to its utmost legitimate boundary. He saw many difficulties in the way of emigration, but that did not in the least render him insensible to the great advantages likely to accrue to the country from a judicious encouragement of emigration. He confessed that he never heard the subject mentioned without being forward to bear his testimony to the useful purposes to which it was capable of being applied. The Duke of Wellington, upon an occasion widely different from the present, observed that England could not engage in a small war; he should say that England ought not to engage in a small scheme of emigration. This country should not engage in any plan of emigration which there were not good grounds for believing would be adequate to the relief of the working classes in this country, and which would be at the same time suitable to, and commensurate with, the commercial wants of our colonies. It also appeared to him most important that Parliament should bear in mind, the necessity there was that emigration should not be limited to a class or subdivision of the community. Whether they looked at the manufacturers of the north of England or the peasantry of the Highlands and islands of Scotland, they must feel that in every quarter of the country the necessity for emigration was severely felt; and then let them look on the other side of the ocean, and they could not fail to see that additional labourers were as much wanted there as population was superabundant here. Mr. Allison, in the evidence which he gave with reference to the petition of the Protestant Emigration Society of Glasgow, observed, that the recent improvements in machinery were so extensive and efficient, that they had produced quite a redundancy of manual labour; and it was his opinion, that if speedy and effectual measures were not adopted by way of antidote to this alarming evil, Great Britain, from being a country remarkable for its morality, its industry, its good order, and the force of its religious sentiments and feeling, would be disgraced and ruined by poverty, ignorance, and crime. It might be expected from a well-timed and sustained system of emigration, that great good would arise, profit and advantage of various kinds to those who went abroad, to those who remained at home, and to the colonies to which this new accession of labour was conveyed. The petition to which he had thus alluded prayed that Government might bestow upon the petitioners a grant of land, a free passage, and rations for twelve months, the cost of which they were willing to repay by instalments. Those were the feelings of the petitioners, and he thought them well entitled to consideration; they were the opinions of Mr. Allison, and they appeared to him in all respects calculated to command respect. In considering a question of this nature, he had not lost sight of the politico-economical objections urged against every scheme of emigration which he had yet heard propounded; but he confessed that when he listened to the voices of men crying out for bread, when he read of the distress which his fellow-subjects endured in various parts of the country, he could not pay much attention to any doctrines of political economy, and he sincerely hoped that her Majesty's Government would not be deterred by any party or sect amongst political economists from applying the national resources contrary even to the rules and doctrines of the science of political economy, provided they felt assured that in doing so they were preventing greater misery than they caused; and likewise felt assured that they were conveying labourers to a place where they were much needed, and at the same time relieving the overstocked market at home, thus imparting a fresh stimulus to industry, to enterprise, and to capital. In making these observations, however, he felt himself bound most distinctly and emphatically to say, that he did not think the Government of this country would be by any means warranted in sending out emigrants without providing them with the means of religious instruction. They were not held to be free to transport men for their crimes unless they provided at the same time the means of religious instruction; why should they send out innocent and unoffending men without securing to them similar advantages? For his part, he never could regard any plan as a national plan unless in addition to all the secular means of advancing emigration upon a sound and just basis, there were also supplied the means of securing the full benefits of religious instruction, and he did hope that if the Ministers of the Crown consented to sanction the resolutions then on the table of the House, they would not hesitate to couple with them such provisions as might be necessary for securing the stability of public worship and religious instruction.

Mr. *Ward* said, that he must begin the few observations with which he meant to trouble the House somewhat in the same manner that the hon. Baronet opposite had commenced his speech. The hon. Baronet had complained of his hon. Friend the Member for Wolverhampton for having been induced to convert the present debate into a food question, and went the length of asserting that he could not discuss any measure in Parliament without in some form or another connecting it with the great question of a repeal of the Corn-laws. This remark provoked another, to which he (Mr. Ward) could not help giving expression. If the Member for Wolverhampton could not avoid the introduction of the corn question, neither could the hon. Baronet avoid a reference to religious subjects; but he earnestly hoped that her Majesty's Government would not fix the curse of an exclusive system upon any of our colonies; he hoped that whatever was done for religion might be done equally for all denominations. When he spoke of Protestantism and of Protestant Emigration Societies, did he mean to talk of English Protestants or of Scottish Protestants? for if what had occurred in another place were to be received as authority upon such a subject, he would say that the doctrines of the Scottish Church were not acknowledged as the same Protestantism with that of the Church of England, and again he repeated his hopes that no attempt would be made to force an exclusive system upon any of her Majesty's possessions. With regard to the hon. Baronet's deprecation of the cold doctrines of political economy, he was certainly at a loss to imagine how the hon. Baronet could make use of such an expression, when within a very few nights he had given a vote on the subject of the Corn-laws at variance with every dictate of humanity. There had been, he admitted, symptoms of a better administration, of extended views, and improved feelings and convictions since the noble Lord (Lord J. Russell) held his present office. And if he had some objections to the incompleteness with which the noble Lord had carried out his own views, and he hoped he should always urge them in a friendly spirit, and with a sincere desire that when the noble Lord's numerous avocations during Session were lightened, he would at a time of more leisure, give effect to his own ideas concerning colonisation, and leave no cause for similar complaints to those now expressed on the subject. When he said this, he did not by any means wish to be understood as dissenting from the proposal of his hon. Friend (Mr. O'Brien), or that funds should be raised from any other source than the land of the colony. The first step of the noble Lord on this subject augured well. He had appointed three commissioners, and in his instructions stated the views which he conceived ought to regulate their conduct. In the first place, he laid it down as a principle that there ought to be a more comprehensive system for regulating emigration. He hailed this admission as a most favourable omen of the course which the noble Lord meant to pursue; but his instructions went to restrict and limit the general principles which one might reasonably infer from this avowal. The duties of the commissioners were such as they could never undertake, much less discharge, unless they received their authority from Parliament. The noble Lord must be aware that whatever plan he adopted might be altered by his successor. Nay, the failure of his proposed system might be alleged as a conclusive ground for its discontinuance, when the fact might be that it only required time to have all the predictions made respecting it verified. It might not unfairly be urged, too, by the noble Lord's opponents, that his own want of confidence in his proposal was unquestionably exhibited by his refraining from obtaining for it a Parliamentary sanction. The noble Lord also maintained the imprescriptible right of the Crown to the lands of the colonies. Now this was nothing more than an idle theory, for instead of its being an inflexible rule, there was none which had been proved to be more elastic. All recent reports from our colonies teemed with instances of the grossest abuse and mismanagement with respect to the lands of the Crown. In fact, there was no stretch of favouritism—no amount of robbing which was comparable to that connected with land in Australia, and every other portion of our colonial dependencies. It might be said, why not trust to the discretion of the Colonial Secretary for a proper system of emigration? He owned he had no trust in the good faith of the colonial officers. He recollected that when on the colonial land committee, a hint was dropped of the improper application of the emigration fund in New South Wales, and it was asked on the part of the Colonial Office, when some remedy was suggested for this abuse—"Can you have any thing more stringent in the shape of an Act of Parliament than the order to the Governor!" And what was the proof of the efficacy of those orders? Why, an admission inadvertently made by the Under-secretary that the Governor thought it the most delightfully convenient thing to have this fund at his disposal, so as to meet any sudden expenditure for police or any purpose of that kind. What was the result? That not a shilling of this fund was at his noble Friend's disposal; and the duties of the commission were confined to superintending emigration to the new colony of South Australia, which was founded happily, he would say, not on a memorandum from the Colonial-office, but on an Act of Parliament which had experienced from that quarter great objections, and was assailed by constant criticisms and quibblings from the day it passed up to that hour. The colonial revenue was amply sufficient for all the purposes of local Government, without an application of the emigration fund to that purpose, This was a fund unjustly levied on the holders of land, who purchased this property on the implied condition, that they could obtain the requisite amount of labour to till it. Another objection which he had to the noble Lord's proposition, was, the exclusion of several colonies from the superintendence of the commission. There was every hope from the unanimity displayed on the subject of the Canadian Government, that it would soon come under the cognizance of the commission. But there surely were large tracts in South Africa and the West Indies, which ought to be turned to the best account. He agreed with the hon. Baronet (Sir R. Inglis) that a subject of this national importance ought not to be left to any Member, but introduced on the responsibility of Government. There were facts connected with it not accessible even to the industry of the present mover; and he hoped that the noble Lord, the Secretary for the Colonies, would, if not agree to the present motion, at least give an assurance that he would be prepared to act next year on his own conviction.

Mr. *Vernon Smith* said, however, he might rejoice at the prospect of his noble Friend being relieved from some portion of his labours by devolving this matter to a committee, yet the doing so would tend to embarrass the Colonial-office. With respect to the second resolution of the hon. Member, there could be no doubt that a difficulty of finding employment existed in England, and particularly in Ireland, and that a want of labourers existed in all our colonies. But when he proposed to place upon the books of the House a resolution that the remuneration for labour in the colonies was ample, he was not prepared to admit that it was so in all the colonies. The prosperity of some of the colonies and their climate had often been painted in too vivid colours. After stating his premises in his first two resolutions, the hon. Member jumped rather hastily to a conclusion, that a free passage should be provided by the State for such of the labouring classes as were disposed to emigrate, by which he understood that a sum of money should be offered to every one who wished to leave this country, who might do so at the public expense. [Mr. *O'Brien*.—"Under the circumstances."] That was a very convenient qualification. But the Government could not consent to put such a resolution on the books, unless it were proposed to act upon it, otherwise it would be holding out fallacious hopes to the poor. The hon. Member for Sheffield had said, that the land revenues of the colonies, if not diverted to other purposes, would be sufficient for the purposes; but if the land fund had been diverted to other purposes which were connected with the protection of the settlers—such as the expense of a police force, which should not fall upon the mother country—from what fund was it proposed to defray the expenditure? [Mr. *Ward*. "Local taxation."]—But the local Legislature might refuse to raise a local tax. If this fund therefore, were devoted exclusively to the purpose of emigration, how could the expenses now defrayed out of it, be met but by new taxation? or how could the mother country meet the charges which the colony refused, unless she retained this fund in her hands for general purposes? His hon. Friend said, that the noble Lord augured well on entering the Colonial-office. What had induced his hon. Friend to alter his opinion? Something that he thought was a deviation from the plan he had proposed; that there had been something variable and fluctuating! This general objection was, that a principle well laid down in the beginning had been frittered away in the details. A few years ago it had been insisted upon, that all colonial expenditure should be submitted to the Treasury. The hon. Member for Kilkenny supported that proposition, and all economists were then of that opinion, and thought so still. His hon. Friend now proposed to take the Colonial-office from under the control of the Treasury. He also proposed that all his schemes on the subject of emigration should be put into an Act of Parliament. Would his hon. Friend undertake to frame that act? Would he venture to propose a bill that would pass that House—he would not say with the unanimity of the House—but with something like the unanimity of most of the hon. Member's Friends? The hon. Member for Sheffield had also complained very much of the frequent changes in the Colonial-office, as producing corresponding changes in the colonial policy; but he (Mr. V. Smith) could not admit that those variations of policy were to be at all attributed to a variation in the persons connected with the Colonial Department. In the present state of our colonies, considering the rapid progress they had made of late years, it was impossible for the wisest to foresee the extent to which population and consequent expenditure might be carried. Even now, there were several schemes afloat for the colonisation of New Zealand, the Falkland Isles, and other places, all of which inflicted great expense in the originating of them by the mother country for protection and other purposes; because the moment the English set their foot on the land, the next thing would be, as it always was, a demand for a ship of war for their protection. When the hon. Member, therefore, spoke of the variation of policy in the Colonial-office, he thought it was bearing rather hard on the individuals in that office to say, that the evils which had occurred were owing to fluctuations in their opinions, and their want of foresight. He should like, too, to see how his hon. Friend would embody that foresight in an Act of Parliament. If, moreover, they were once tied up by an Act of Parliament, how were they to return, if it were necessary, to the state in which Ministers might act by themselves? The difficulty would be greater than ever; because, then it would be said, "There is your Act of Parliament, is not that sufficient?" If, too, the land fund was directed to the purposes of emigration in New South Wales, to what fund would they resort for other expenses? But, with respect to that fund, the report which had been made, showed that there had been a good deal of emigration on bounty-giving going on. By the reports which were made on this subject in 1837, it appeared that the total number who had emigrated in the twelve years between 1825 and 1837, was, 694,569. In the following year the number was not quite so great in proportion; but in 1839, it was as high as 62,270. He hoped, also, that if Canada continued in a state of tranquillity, and the measure now in progress in this House respecting the future management of that colony passed into a law, as he trusted would be the case, that emigration would greatly increase to that quarter. But suppose the Government of this country were to take on themselves the charge of all those who emigrated, to what sum would it annually amount? Why, taking the charge at about 10*l.* per head, the expense for emigration for the last year would not have been much less than 700,000*l.*; and, therefore, on his hon. Friend's calculation it would not be less than a million a-year. But supposing that a million a-year were spent in emigration, had the hon. Member for Limerick attempted to show that the population of this country would not rise up against it? Where, then, did he propose to lay the burden? It might, undoubtedly, be some relief to the mother country to send those persons abroad, and for the colonies to receive their labour; but how was he to strike the proportion between the mother country and the colonies as to the parts of the burden which each should bear. He hoped that hon. Gentlemen who took such laudable pains with this subject would not imagine that there was any feeling in the Colonial-office generally adverse to emigration; but he certainly was not prepared to say, with the hon. Member for Limerick, that emigration was a subject which of all others ought to be most encouraged by the Government. It might be desirable for them to possess themselves of every information as to the wishes of the people here to emigrate, and of the colonists to receive them; and having done that, all the Government would have to do would be to take care that every facility was afforded to emigration. But he did not think it was their duty to urge people to emigrate by holding out prospects which they were not able to realize, and before they imparted information to the public, they should take care that it had been deliberately considered. He thought, however, it would be very considerably urging and exciting emigration if the House assented to the third resolution of the hon. Member for Limerick, for it was nothing more nor less than an inducement to every man who felt himself ill at ease at home to go to the Government and demand that they should transfer him to a better climate and more fertile soil. The whole tone of this debate had been so amicable towards the Colonial-office, that he would not detain the House further than by saying that as to the first two resolutions, if it were worth while to place them on the table, there would be no objection on the part of the Government; but that as to the third resolution, having stated his view of what the effect of it would be, he hoped the hon. Member would consent to withdraw it.

Mr. *Slaney* agreed in the general view taken by the hon. Member for Sheffield, but could not concur in the third resolution proposed by the hon. Member for Limerick. If it was to be taken according to the obvious meaning of the words, it implied that the Government was to pay the passage of an unlimited number of persons to the colonies. Where were the means to come from? Why, out of the taxes raised from the people of this country. He would not deny that there might be some peculiar cases in which such a course might be justifiable; but generally it was not so. It had been said that the expense would be a million a-year, and that would fall upon the heavily taxed productive classes. It would be taking an amount from the national wealth, which would not go so far, applied to such a purpose, as it would in the pockets of the people. If there was a redundancy of labour in a particular district, arising out of extraordinary circumstances, the Government might, perhaps, in that case promote emigration; but in all ordinary cases, the effect of the Government advancing money for emigration would be that of inducing a great number of persons to come forward and say they were needy; when, in reality, if they were thrown upon their own resources, they might be perfectly able to do without. There were many things in the condition of the working classes, especially those in large towns, which were deeply to be deplored, and which it was in the power of the Government to ameliorate. The dwellings of the poor should be improved and rendered wholesome by drainage and sewerage. The physical condition of the working people should be bettered, and till that was done it was in vain to give them education. It was in vain to preach to them about good order and the advantages of religious instruction whilst they dwelt in places where it was impossible they could enjoy the comforts of home, places from which their refuge was the gin-shop, where they sought oblivion of their woes. The hon. Member concluded by approving of the two first resolutions.

Mr. *Pryme* thought that the great evil which arose from emigration had been lost sight of, and it was this, that the persons who went out were the strong and adult part of the people. The country lost the most intelligent and industrious, and consequently the most productive part of the population. The expense of bringing up the labourer was borne in this country, and to induce him to emigrate when his labour became valuable, was like exporting a ready made machine. Such a proceeding might be necessary as a temporary remedy for a temporary superabundance of population, but such could not be proper to be adopted systematically.

Lord *J. Russell* said—Sir, it may be necessary for me, before this debate closes, to make some observations on the proposition of the hon. Gentleman and the discussion to which that proposition has given rise. The proposition of the hon. Gentleman is of a very general nature, affirming, in the first place, that it is desirable for persons who may be in distress to be enabled to go to the colonies, and, in the next, that as there is a demand for labour in the colonies, facilities of this kind would be highly useful. So far there is little doubt that the proposition might receive the assent of this House. The hon. Gentleman, however, goes on to affirm that "under these circumstances, it is expedient that a free passage to those colonies which offer the greatest rewards to industry should be provided by the State for such of the labouring classes as are disposed to emigrate thither." Now this is the proposition which forms the substance of the hon. Gentleman's motion, and to which I feel confident the House will not give their assent. It is so wide and general, it seems to afford such a vast field for the emigration of the labouring classes, without stating the extent of the burden which the State would incur if free passages were to be provided for all who might wish to leave this country, that the mere affirmation of a proposition so unlimited would, in my opinion, be in the highest degree inexpedient. The hon. Gentleman and others who have spoken in the course of this debate, have argued the question on general principles; but I think the views which they have taken would not be practicable, and that the difficulties and obstacles in the way of their views are such as it would be impossible to surmount, and could only lead to disappointment. With respect to a large grant of money by the State, omitting other considerations, it is to be considered that when we have large expenses—expenses which require the country to be additionally burthened—whether it would be advisable further to augment those burthens by promoting a scheme of this kind. In the next place, if the State were to be at the charge of emigration, it would only render the matter the more difficult. The persons who emigrate are not those whose labour is least profitable, and who form the greatest burthen to the country. On the contrary, the object of the colonies is to obtain the best description of labourers. They want neither the old nor the very young, but those who are so capable of working as to be sure of employment even in this country. This fact is proved by the papers on the table, and in a letter from Mr. Pinnock, a surgeon and emigration agent; that gentleman states the difficulty of getting such parties as were wanted in the colonies to emigrate. It is, therefore, the fact that the colonies want neither the very old nor the very young, and that sending out persons who are unable to work would be injurious instead of serviceable to the colonies. Young couples, without families, who can procure work at home will not leave their friends and country; and, therefore, it is idle to suppose, that even if the boon of a free passage was given, if they made a bridge of this kind, that such persons as were wanted in the colonies would rush over it. If you are to encourage emigration, you must provide for the parties on their arrival; for if you were merely to say that you will furnish ships to carry out a certain number of emigrants, and that you do not, at the same time, ensure them employment on their arrival, either by grants of land or public works, instead of diminishing their sufferings you would only be increasing their misery. Now these are the representations which have been made to me by both the Governor of Jamaica and the Governor of Canada. They pray that in any measures on this subject which may be adopted, care will be taken to provide them with funds for the employment of the emigrants on their arrival; but I mention this circumstance merely by way of general caution to the House, in order that hon. Members may not be caught by the idea that we have in this country a greatly abounding population. Much, however, has been done, and is still doing on this subject. Up to the year 1837, taking the preceding ten years, upwards of 600,000 persons left this country for the colonies and the United States; and up to the present time, since 1830, the number exceeds a million. Then comes the other question with regard to emigration to Australia; and I must be permitted here to say, that the reproaches which the hon. Member for Sheffield has addressed against the colonial and emigration board have been wholly undeserved. But it has been said, with respect to the funds arising from the sale of the colonial lands, that it was not known to the Government before 1831. Now, the system which was adopted, was adopted at the recommendation of my hon. Friend, the Member for Northumberland, who was then in the Colonial-office, and it had been suggested by persons who had much experience of the working of the system of emigration. But it ought to be borne in mind by hon. Members, that if we resolved that the proceeds from the sale of land in the colonies should not be applied to any other purpose but that of emigration, we might go beyond those intentions which were originally entertained when the proposition was adopted. It may be very good to apply the funds arising from the sale of land to the purposes of emigration, and to encourage the growth of towns and villages; it may be well to apply the funds to this purpose, but we should not forget that there are other expenses connected with the colonies as well as those which are connected with emigration. Is it to be supposed then that, in case all the funds are applied to the facilitating of emigration, this country is to vote money to supply the expenses which are attendant upon the colonies in other respects? Are we to vote money to support the police and other establishments in the colonies? Or shall we, on the other hand, say that the colonies shall contribute to the defraying of those expenses? Shall it be said, therefore, that the produce of the sales of land in the colonies are to be applied to the purposes of emigration alone, and that the other expenses of the colonies are to be defrayed by this country? If we do so, we must suppose that there will be an increase of taxes and duties to meet the expense. I think, that the inhabitants of the colonies, or the emigrants themselves, might not in all probability be so well pleased that these funds should be applied to the encouragement of emigration alone, and not to any other source of expenditure. There are various sources of expenditure connected with a colony, such as police, the maintenance of judges, &c.; and are there to be no provisions made for the purpose of meeting those sources of expenditure? It may be a sound principle to apply the proceeds of the sale of lands to the purposes of emigration; but it ought to be recollected, that there are various sources of expenditure connected with a colony; and, therefore, the question arises, would it be proper to apply those funds to the encouragement of emigration alone? Are we to admit those expenses in one view of the case, or are we to say that they are to be provided by this country? There are sources of expenditure connected with the administration of justice and the maintenance of a proper police, and are we to provide for them in this country? But it has been suggested, with respect to those expenses, that the Governor of the colony might increase them materially by appointing persons to unnecessary offices, or otherwise cause an extravagant outlay of the funds, and that has been used as an argument against the application of the funds arising from the sale of land for such purposes If any thing of that sort were done, I am quite ready to admit that it would form an objection to the application of the fund arising from the sale of land for such a purpose; but are we, therefore, to say, that it should be applied solely to the encouragement of emigration, and without any regard to the other expenses connected with the colony. There are expenses which are necessary for the colony, and I perceived that when the council of Van Diemen's Land objected to the payment of a certain amount of the expenses connected with the maintenance of the police, they were asked if they thought that the salaries were too large, or that a single man of the police force could be spared, they did not say, that such was the case; but they rested their objection upon their disinclination to lay burdens upon the colony, choosing rather to have those expenses provided for by the Crown revenues. The question is, whether the proceeds of the sales of land in the colonies should be applied solely to the encouragement of emigration, and whether the people of this country are to be required to vote a sufficient sum for the purpose of defraying the expense of the colonies, which, perhaps, they may not be inclined to do. They may not be inclined to have any new taxes or new duties imposed for that purpose. Are we then to propose that the expenses of the colonies must be borne by this country? I must admit, that there is a question, which I am not now going into, but which is worthy of consideration—that is, how far the establishment of the system of transportation from this country to New South Wales and Van Diemen's Land has increased the burthens of the colonists, and how far they ought to contribute to the support of those burthens. There may be burthens arising out of that system which are not at all palatable to the colonists. But it is to be considered whether that system does not confer some advantages to the colonists in the way of labour; and I perceive, that a gentleman who employs a considerable amount of labour in the colony of Van Diemen's Land has stated, that the difference between the convict labour and the other labour, was the amount of 13*l.* per head in favour of the convict labour. The hon. Member for Sheffield complained about the instructions to the land commissioners. There were many of the subjects which they were to investigate which had been long matters of discussion, and I thought it better that the commissioners should attend minutely to those subjects and receive communications from those acquainted with the colonies, and who had most information on the subjects, before I should introduce any resolutions, or bring in a bill to Parliament upon the subject. I thought it better to adopt that less ambitious project, and to receive the report of gentlemen, such as those on the commission, who have been admitted to be gentlemen of intelligence and respectability, and who should apply their minds earnestly to the subject. I thought, that better than bringing forward my theory, which I might borrow from others, or which I might have originated myself, as I should thus be afforded a greater possibility of bringing before the House a more perfect system than I otherwise could have done. I do not therefore despair, that the commission may prove of great value and importance with respect to emigration, as well as regards the North American as the other colonies; and I do not despair of establishing such a system as shall be satisfactory to this country, and to those who wish to emigrate. I hardly know that there is any further observation required from me, but I will read to the House a statement of the number of emigrants who left this kingdom in 1839. In the year 1839, there left this country for the North American colonies 12,658 persons, there left for the Cape of Good Hope 227 persons, for Australia 15,786 persons, and for the United States of America 33,536 persons; making a total of 62,217 persons, of whom a great portion of those who emigrated to the Australian colonies, had a considerable amount of the expense of emigration defrayed either from the funds arising from the sale of land or the bounties, according to the system established in New South Wales, and a part had obtained assistance from the proprietors of land or others in this country. If, however, you will say that you intend to furnish means of emigration to all those who may wish to avail themselves of those means you will not only do that which is inexpedient in itself, but you will by that means seriously injure the system of emigration which is now going on amongst persons who are actuated by a desire for emigration, and who take more care to secure their future interests, who will have a regard for their comforts, and who, it is supposed, will take care to secure the means of support when they arrive at their destination. Those are persons who are better qualified to embark on such a purpose, who have sufficient force to carry them through the difficulties that they may encounter, and who have sufficient strength of body and of mind to enable them to undertake a permanent settlement, not certainly in a foreign land, but in a distant land, and to endure all the hardships that they may undergo in the pursuit of their object. That is an emigration which will not be likely to entail misery on those who undertake it, for it will be undertaken by those who shall take some means to secure their future comforts. If, however, you say that you, the State, will undertake to send out all those who may feel inclined to go, you will only encourage an abandonment of those habits of caution and prudence which ought to influence men before they set out on such an undertaking. If, when they should arrive, they did not find themselves comfortably settled—if they were disappointed in the expectations which they had formed—if they were persons unfitted, from want of strength of body or of mind, to succeed in the circumstances in which they should be placed, they might blame those who had sent them out. The Government ought to take only such a step as would not entail any such miseries, and which would encourage emigration only amongst those who would be calculated to undertake such a proceeding.

Sir *R. Peel:* Sir, I have many reasons for objecting to the proposal of the hon. Member opposite. There is some difficulty in affirming such a proposition without ensuring the means of carrying it out. It may be very well for an hon. Member to require that we should affirm an abstract principle, however good in itself, and then he may devolve on others the duty of carrying it out. I doubt, however, the correctness of the principle which is contained in the resolutions of the hon. Gentleman. He says, "That in Great Britain and Ireland the working classes are frequently exposed to extreme privation from inability to procure employment;" and in his second resolution he says, "That in several of the British colonies the demand for labour is urgent, continuous, and increasing, and its remuneration is comparatively ample, whilst the prosperity of these colonies is much retarded by its inadequateness;" but then there is no sequence in the following proposal, which is to the effect that the parties who can best afford to pay for labour shall be at no expense, but that the country which has an inability to provide employment shall pay the expenses of providing labour in the country which requires it. Why should we interfere in the manner which the hon. Member proposes? Why are we to send them only to those colonies in which the greatest demand for labour exists? Why does he not propose to send away any machinery which may be standing idle in this country? Why does he not say that it ought to be transported to the colonies as well as labour? Why should he propose to send off labour instead of machinery? The hon. Member does not say in his resolutions that it is expedient for political reasons to encourage emigration. If he proposed that we ought to increase the emigration of the British population to Canada with a view to the strengthening of our political relations, in order that the British population should counterbalance the French population, it would have been different; but he does not make any proposal on such grounds. He says that we ought to send out labour where there is the greatest demand for industry. Now, if it should happen that the greatest demand for labour were to be found in British Guiana, does he propose that we should export it to Demerara and British Guiana? Was it to be said that if such a demand should exist in British Guiana that we should send out labourers, or rather should not British Guiana itself afford the means of providing the labour? There is no specification of the numbers of the families whom the hon. Member proposes to give a free passage to. It might happen that a man with five or six children would be the most desirous to emigrate. I do not mean to say that the State ought not to interfere to some extent with emigration; that it might not with advantage adopt measures to spread accurate information for those who might be desirous to emigrate, or that there ought not to be steps taken to lessen the danger from insecure vessels; but that is very different from the State undertaking to transport labour from one place to another. We always talk of the State as if it had a very large purse, and that it was quite easy to dip our hands into it. It should, however, be recollected that there is no surplus now. Are we, then, to provide the expenses of sending labour to those colonies which can best afford to pay for it? But what would be the consequence of our adopting these resolutions? Persons may be desirous of removing from their estates numbers of the peasantry. I will not say that there is a legal obligation, but I must say there is a moral obligation upon those who do so which cannot be forgotten. It may be well in the minds of some that ninety or one hundred families should be turned loose on the world in consequence of some principle of political economy which favoured the introduction of large farms. That principle may be very good in political economy, but it is not true as regards moral obligation. I do not believe that a case is likely to arise in this country where forty or fifty families would be turned out on light grounds. With respect to this sending out of labourers free of expense, I think it would be most dangerous to take persons from a manufacturing town if they were out of employment, and place them on the banks of the St. Lawrence without any provision for the future. Depend on it, the nice test which the arrangement between persons wanting labour and persons who have labour to dispose of produces, is the best mode by which to determine how a market-place for labour shall be obtained. You may have boards sitting to inquire and examine and report, and after all you will not be able to do it half as well as by allowing the men who have labour to dispose of, to sell it to those who are most willing to buy. Fearing that it might tend to interfere with the emigration which at present is going on, and believing that it would not be desirable in other respects, I cannot support the motion.

Mr. *Hutt*, in explanation, said that he never had contemplated that the fund which should be appropriated to the purpose of facilitating emigration should be derived from taxation raised in this country.

Mr. *S. O'Brien* replied. He objected as strongly as any person to the system of turning out the peasantry which had been alluded to. He wished to have a measure to encourage emigration subsidiary to the Poor-laws in England and Ireland. He was of opinion that the Ministers ought not to allow people to starve in this country whilst there was such a demand for labour in the colonies. He did not think that British Guiana was a fair case to bring forward against him, as an European constitution was unfit for labour in that climate. The hon. Member concluded by stating that, under the circumstances, he should not press his motion to a division, and should consent to have it negatived on the previous question.

Motion negatived.

RAILWAYS.] Lord *Seymour* moved for leave to bring in a bill to establish, for certain purposes, a board of superintendence of railways. Having been engaged, during three Sessions, in a committee which inquired into various matters connected with railway travelling, many inconveniences and evils had been brought to his knowledge, as existing in the present mode of managing those great undertakings. These, he believed, were more owing to the neglect of the Legislature, when legislating on the subject of those great modes of communication, than to any fault attributable to the parties connected with railways. Still he thought it was not too late to remedy some of those evils, and he was therefore anxious to bring forward a bill having that for its object. The chief points of his bill were the establishing of a board of superintendence in connexion with the Board of Trade, which should be authorised to call for all accounts, financial and statistical, connected with railways, and thereby supply that information so much wanted in that House, which would enable them to know how far those great powers which the Legislature had given to the railway companies had been used for the benefit of the public. With respect to the bye-laws of all the companies, he proposed that all bye-laws and regulations in which the public were interested should be submitted to this board for its approval. He proposed further that this department should have the power to enforce all the Acts of Parliament which had any reference to railways, since many cases had been brought to his notice in which it was stated that the railway companies had not acted according to the enactments which they had themselves obtained from Parliament. There was one other point to which he would advert, which was, that he proposed to give the new board the power of sending an inspector to any railway, either previous or subsequent to its opening, in order, if any accidents should have occurred, or should be likely to occur, the board might have the opportunity of remonstrating with the directors, and be the means of having the railroad made safe. These were the chief points in the bill. He did not think it necessary to say more, but would leave the question for further explanation when the bill should be before the House.

Leave given.

HENRY VINCENT.] Mr. Sergeant *Talfourd* presented a petition from Birmingham, praying that Henry Vincent, now confined in the Penitentiary at Milbank, should either be sent back to the gaol at Monmouth, or that her Majesty would be pleased to abridge his punishment. The hon. and learned Gentleman also presented a petition, signed by 14,000 persons, inhabitants of Birmingham, in favour of Mr. Feargus O'Connor, and then said that both the motions, of which he had given notice, involved the same principle, although the details of each of them were essentially different. Before he addressed himself to that principle, it would be right to state the circumstances of the case of Henry Vincent, on whose behalf he appeared upon a petition of many most respectable persons, including his hon. Friend (Mr. Hume) and the hon. and learned Member for Dublin, and other persons of great respectability. It had fallen to his lot to know something personally of the case of Henry Vincent, that knowledge having been acquired from his having had the duty cast upon him of conducting two prosecutions against him. The first prosecution took place at the last summer assizes for the county of Monmouth. It included the charge against Vincent having attended seditious meetings in that county, at which language of an extremely dangerous and improper character was used, and such as it would ill become him to justify or palliate; and it included that anomalous crime which he could not help thinking was a disgrace to the English law—he meant the crime of conspiracy, which might mean almost the highest offence that could be committed, or the lowest and most venial. The jury acquitted Vincent of conspiracy, but found him guilty of having attended seditious meetings, and he was sentenced to twelve months' imprisonment in Monmouth gaol. At that time some question was raised with respect to the treatment of this young person, whose decent manner and demeanour, and he believed unspotted character, except as to his being connected with these meetings, excited a considerable feeling in his favour. Some discussion took place between the judge and the magistrates of the county as to his being subjected to the rules and discipline of the prison. In the end he was exempted from the more penal regulations to which the prisoners committed to that prison for ordinary misdemeanors were subjected. He was not subjected to the degradation of wearing the prison dress, or having his hair cut; in fact he was subjected to as little painful treatment as possible consistently with the restriction and safe custody of his person. Some question was afterwards raised with respect to the books he was to be allowed to read; and certainly he had heard with some surprise that Henry Vincent was to be restricted to books merely of a religious character—he heard it with surprise, because he felt that such a restraint was not good for the mind of a young man active and inquiring. He himself made application to the noble Lord who was at that period at the head of the Home Department (Lord John Russell) upon the subject, and he received from that noble Lord an assurance that Mr. Vincent would only be restricted from reading improper books, but not from reading books of a miscellaneous character. At the last assizes Vincent was tried upon another indictment, for an offence of a nature similar to that for which he had been previously convicted—namely, for attending other meetings of the same character, in the same county, and about the same time; in fact, for part and parcel, not identically, of the same offence, but of the same transaction. On that occasion Vincent conducted his own defence, and he must own that the manner in which that defence was conducted—the temperance, the forbearance, the talent, and even a certain degree of grace which that young man displayed—interested every one in his favour, and induced them to hope that he would not be subjected to any indignity that might prevent him from retrieving that character which no doubt had been deeply injured, but that he might at the termination of his imprisonment be suffered to become a useful and valuable member of society. The jury found him guilty, but recommended him to mercy, which was a circumstance that spoke favourably for the young man. For, considering the events that had then recently taken place in the county of Monmouth, he thought it was a circumstance that might be referred to, as showing that in the opinion even of a jury of persons living in that county, the young man had not been guilty of a very serious offence, and that there were materials about him that rendered him a person particularly fit to be recommended to mercy. Vincent was sentenced to a further period of imprisonment. He remained in the gaol for the county of Monmouth for some time, and until it pleased her Majesty's Government to remove him. He thought it was a wise and judicious step for her Majesty's Government to take —that of removing the young man from the scene where, unhappily, he had been one of those connected—if not with open outrages against the laws, still with meetings of a dangerous tendency and character. But, on Mr. Vincent's removal, he became subjected to a kind of punishment which he was quite sure was as little contemplated by the judge when passing sentence as it was disproportioned to the nature of the offence committed. In that prison he was attired in the prison dress, fed on the prison diet, restricted from the use of books, pens, ink, and paper, and was permitted to communicate with his friends only once in four months, and then only by means of a letter. And here he would observe that the reason assigned for this latter regulation in the prison rules afforded a striking proof of the unfitness of such discipline for such an offence—it was said "that the restriction of communication was intended in order to enable the prisoners to keep up connection with the respectable portion of their friends, to whom it was hoped they might be again united, and not to enable them to hear the common news of the day, with which they (the prisoners) could have no concern." Such discipline as this was clearly utterly inappropriate to the cases of persons committed for political offences, and it afforded a striking contrast to the kind of punishment formerly awarded to persons found guilty of political libels. Instances innumerable had, in former discussions on this subject, been referred to where persons had been imprisoned for political offences, but where there existed no traces of the indignity to which Mr. Vincent had been subjected. If political writers, they had been allowed to continue their political writings, they were allowed the use of books, and free communication with their friends—in short, the punishment which they received was confined solely to restriction on their personal liberty. There was the case of Sir Charles Wolseley, tried and convicted of conspiring to be elected the legislatorial attorney of Birmingham, who was confined in Abingdon gaol, but was allowed in his (Mr. Sergeant Talfourd's) memory to come into court, and listen to the trials. There was also the case of Mr. Lovett, proprietor of the *Statesman*, sentenced to be imprisoned in Newgate, as the very harshest sentence which the judge could inflict, yet he was allowed to have a large room of his own—to have his proof sheets sent to him—to communicate with his friends—and to enjoy all the conveniences of life consistent with his deprivation of personal liberty. Now he could not think it right, that a change should be made in the condition and treatment of prisoners, silently, and without the intervention of the Legislature, and, moreover, at a time when there were so many more incitements to political discussion than existed at the period to which he referred. The discipline, too, to which Mr. Vincent was subjected might be applied in cases of ordinary libel, even where there was no ill-feeling—where the party convicted was merely the publisher of a newspaper — as for instance, Mr. Lawson of the *Times*, who had recently been convicted — and utterly unable to read all the various paragraphs which appeared in the paper for which he was responsible. This was a state of things which could not last. The advanced state of the human mind required that punishment should be apportioned to the nature as well as to the degree of the offence—that the individual convicted of an offence which arose from an aberration of the mind, should be treated while in confinement in a manner totally different from the individual who was convicted of felony. The punishments of public whipping for high treason, and of the pillory for other offences, had already been abolished in deference to this state of public feeling on the subject. But when these facts were brought forward and a change applied for they were told that no one was responsible. The judges said they never intended to inflict anything like such punishment. The Home Department referred them to the visiting magistrates as having framed the prison regulations, and the visiting magistrates in their turn declared that when they framed the regulations they never contemplated any such consequences, but that having been framed they must be abided by. Still, injustice had been committed — punishment had been inflicted that had never been contemplated. Then let the precise punishment in future be known, and let it be apportioned to the offence. For one month such punishment as Mr. O'Connor endured in York Castle was equal to years of punishment under the old system. Every Member of that House was to a certain degree responsible in this matter. He did not desire to make any harsh observations as to the past—as regarded the future there was no excuse. They were all guilty. Government, if they allowed these regulations to continue, would be to blame. Hon. Gentlemen opposite, with the right feeling upon such subjects as these, wholly free, as he believed them to be, from all party considerations, would be to blame if they permitted them; and those who supported a Liberal Government, who were accustomed to look back with regret to those times when former sentences for political offences were passed much more severe in appearance than that of Mr. Vincent—they would, if they allowed such oppression to continue, bear a share in the guilt. The hon. and learned Gentleman concluded by moving that,

> "Considering the privations that had already been endured by Mr. Vincent, an humble address be presented to her Majesty, praying that she will be graciously pleased to order his removal from the Penitentiary to some other prison, where he would not be subjected to the same system of privation and suffering, or that her Majesty, in consideration of that privation and suffering, would be graciously pleased to abridge the remainder of the term of his imprisonment."

Mr. *Williams* (Monmouth) said that, as one of the magistrates for the county of Monmouth, and for the districts which had been disturbed, he felt called upon to state that he looked upon Mr. Vincent as the chief cause of all those disastrous events which had occurred since his imprisonment. That individual originally by his great talent in addressing large bodies of people, and subsequently by the ability with which he had conducted the paper called the *Western Vindicator* during more than twelve months, had aroused the people of the districts in question from a state of peace and contentment to that state of mind in which they were prepared to follow John Frost, and ultimately to rise in insurrection. While he felt bound to make these observations, he begged to be understood as not wishing to throw any obstacles in the way of the learned Sergeant. He, for one, would be a most warm advocate for the separation of felons from political offenders in prisons.

Mr. *Fox Maule* said, his hon. and learned Friend had not previously informed him of the nature of the motion with which he intended to conclude; but he was prepared to say, without, he hoped, exposing himself to any charge of inhumanity, that he could not meet his motion with any assent. When he looked at the conduct of Mr. Vincent and the grounds on which sentence had been passed upon him, he must say, that he thought there was some risk in arousing at the present moment the popular sympathy for one who had done so much to disturb the public peace. He was quite ready to admit that whatever was the sentence passed on Vincent, there was no right inherent in any party to make that sentence stronger. The facts were these:—Vincent, when sentence was first passed upon him, was confined in Monmouth gaol, where, as the hon. and learned Gentleman admitted, indulgences were afforded him that were not generally afforded to persons so confined. One of those indulgences was, that he was allowed the use of writing materials in the prison, but the use which he made of them was to continue to conduct the *Western Vindicator*, a paper which contained matter of such a kind that Mr. Marryatt, the visiting justice, felt it necessary to put a stop to some paragraphs. In the end the visiting justices came to the conclusion that the imprisonment of Vincent and the others so near the scene of their offences, and in the midst of a population partially, if not entirely excited by their own proceedings, was not desirable; and they therefore, recommend, for the preservation of tranquillity in that part of the country, that they should be removed to another prison, and as the Penitentiary at Millbank was the only place to which they could be sent at the expense of the State, they were removed thither. Of course, when they entered that prison, they became subject to its discipline—a discipline which certainly was established for the reformation of felons, and not for the punishment of persons convicted of political offences. The system, however, did not seem to have affected Vincent at first, for in the first letter which he wrote to his mother from the prison, he stated, that solitude had great charms for him, and he signed himself "Your happy son." He, however, admitted that the punishment inflicted on Vincent in the Penitentiary was much more severe than had been originally intended. But the fact was, that there had been only a choice between two evils—between submitting him to the full discipline of Monmouth gaol or to the discipline at the Penitentiary, which could not be relaxed without infringing an Act of Parliament. He could, however, state to his hon. and learned Friend and the House, that in order to adapt the discipline of the Penitentiary to cases where it might be desirable, it was intended to propose an alteration in the existing law, by which the Secretary of State and the governors of the prison would be empowered to deviate from the rules, in order to accommodate such cases as the present. But he would not consent to agree to an address to her Majesty to remove Vincent to another gaol. The only gaol to which he could be removed would be the gaol at Monmouth, which did not appear to him more fitted now for the purpose than it was at the time when the prisoners were removed from it for the reasons which he had stated. To remove them to any other gaol would be unjustly to cast a burthen upon another part of her Majesty's subjects. He, therefore, considered it would be better for him and his companions to remain at the Penitentiary, receiving every indulgence that was possible, and put upon such a footing as would leave no just ground of complaint. With regard to the latter part of the learned Sergeant's motion, he must say, that he did not think the time was arrived to advise her Majesty to abridge any portion of the sentence of Vincent. They should remember that a storm, the full extent of which they could not calculate, had only now blown over; that they knew not whether the embers of a conflagration did not still exist, and might be fanned into a flame; and that it would be very imprudent to remit, at the present time, the remainder of the punishment of those who had been the cause of the disturbances. He was far from wishing, as were the Government, for any undue severity towards persons convicted of offences—indeed, he thought that he might claim for the Government the credit of dealing temperately, calmly, and fairly, with the whole of the persons engaged in the disturbances of last year.

Mr. *Hume* said, that they were not to consider the nature of the offence, but how far the sentence of the court had been carried out or exceeded. The treatment of Mr. Vincent had been aggravated beyond all precedent in such cases, and was infinitely more calculated than any other course could have been, to create sympathy for him in the public mind. It had been said, that Mr. Vincent made a bad exercise of the privilege allowed him in Monmouth gaol, of the use of writing materials, by composing objectionable articles for the *Western Vindicator*, but he (Mr. Hume) had a petition from Mr. Francis Hill, the other editor of that paper, in which he stated that from the time of Mr. Vincent's being imprisoned in August last up to May, that gentleman had only furnished three articles to the paper. As to other communications having been intercepted, if such was the case, then no harm had been done.

Mr. *Hawes* said, that by the Gaol Act, 3rd and 4th Geo. 4th, the visiting justices were empowered to alter and modify the rules and regulations of prisons in special cases; and, therefore, if there was blame to be attached to any party in this case, it was attached to the visiting justices of Monmouth in the first instance, who should have inquired whether there were special circumstances in the case, and if so should have acted accordingly. The Secretary of State had no discretion in the matter.

Lord *G. Somerset* said, that it had been his misfortune to read several of the articles in the *Western Vindicator*, since the imprisonment of Mr. Vincent as well as before, and he had some reason to believe that these articles were contributed by Mr. Vincent for several months after his imprisonment. When the superior acquirements and respectable condition of persons situated as Mr. Vincent was, were urged in mitigation of their punishment, it should also be taken into consideration that those precise circumstances ought to have had an "influence in keeping them out of such a situation."

Mr. *T. Duncombe* said, that the complaint in this case was, that the law had not been fairly administered. The hon. Gentleman, the Under Secretary of State, admitted that no party had a right to make the sentence of a judge severer than the judge intended it to be; this was precisely the point. It was contended, that Government had made the sentence of the judge more severe than the law or the judge intended. The hon. Member for Lambeth said, that the Secretary of State had no discretion in such cases; he (Mr. Duncombe) should like to know, then, by what authority Government had removed Mr. Vincent from Monmouth gaol to the Penitentiary, where Mr. Vincent found himself so much worse treated than at Monmouth? Mr. Vincent's counsel, Mr. Roebuck, had applied to the judge, after the trial, to know how Mr. Vincent would be treated, and whether he was to be subjected to the same treatment with criminal offenders, and Mr. Baron Alderson said, that he saw nothing in Mr. Vincent's case which called for severity, and that he should consider Mr. Vincent ill used if any harsh treatment was resorted to in his case, and the learned Baron not only gave Mr. Roebuck permission to state his feeling on the matter to the noble Lord at the head of the Home Department, but said that he would write himself to the noble Lord to convey his sentiments. The noble Lord would say whether he had received such a communication. What he had to say was, that Mr. Vincent, it was clear, had been treated in a manner not sanctioned, but, on the contrary discouraged by the judge. It was true that Mr. Vincent was not in bad health, but he poignantly felt the degradation he had been subjected to, and well he might; he was in a state of solitary confinement; the silent system was maintained; he was compelled to work as a tailor. Now, was it any part of his sentence that he should work as a tailor? They might just as well make him tramp on the treadmill, as sit on the tailor's shop board. The hon. Under-Secretary had urged that Mr. Vincent, in a letter to his mother, had subscribed himself "your happy son." He could have admitted the correctness had he signed himself "your gallant son," or "your high-spirited son." These terms would have been well justified: and he could well understand that in order to allay the anxiety of his mother, Mr. Vincent might have signed himself "your happy son," but such an expression should not be taken advantage of by the hon. Gentleman. Mr. Vincent was not a happy man; he felt himself to be a degraded man. The hon. Under-Secretary of State talked of introducing alterations by which Government would have the power of altering prison rules; but this was no palliation of their conduct in the present case. It was undeniable that the sentence of the judge had not been fairly carried out in this case; and why? Because Mr. Vincent was a Chartist! Why was not the same description of punishment inflicted upon the rev. Mr. Stephens? He was living in affluence in Chester Castle, with his family; but the truth might be guessed at, when it was stated that he gloried in the name of a Tory, while Mr. Vincent was a Chartist.

Mr. *John Jervis* thought that the explanation given by the hon. Gentleman the Under-Secretary for the Home Department seriously aggravated the charge made against the Government. In a county jail, the magistrates had the power of alleviating the circumstances of the imprisonment of any person, and the mere fact of its being unfair that any other county ought not to be held liable for the expenses attending such an imprisonment, other than that in which the offence was committed, was no sufficient ground, in his opinion, to warrant the removal of a prisoner to the Penitentiary, and his being subjected to all the rigorous discipline of that gaol, more especially in a case like that of Mr. Vincent, where the learned judge by whom he was tried had expressed an opinion that he should receive such lenient treatment as the rules of the prison to which he was first committed rendered justifiable. He thought that the Government ought to interfere to put Mr. Vincent into the situation which was contemplated by the learned judge, and that he should be sent back to Monmouth gaol, or if that were not safe, he should be placed in such a gaol as that he might enjoy the privileges contemplated.

Mr. *Wakley* had heard with very deep regret, the remarks of the hon. Under-Secretary of the Home Department, and he thought the mode of punishing political offenders at present adopted, extremely likely to produce great alarm in the public mind. It was one of the most serious questions, in his opinion, which could occupy the attention of that House, and he regretted that its consideration should have come on at so late an hour at night; and he, for one, would join in keeping up the discussion night after night, until the evil was remedied. He thought that the House could not reflect upon the position of these prisoners without pain and agony of mind. He should like to know whether the same line of treatment would be adopted with regard to any noble Lord, in the event of his being imprisoned. There was a right hon. Baronet now on the Treasury Bench—a Cabinet Minister, who, some time ago, had made use of expressions more intemperate than those of Mr. Vincent, and had been subjected to imprisonment; but was he subjected also to the species of torture which Mr. Vincent had suffered? What was the language of the right hon. Baronet? It went to suggest, "What was there to prevent the people of England from going down to that House, and taking the Members by their ears—their long ears he presumed—and throwing them into the Thames, and then locking the doors of the House?" He took it that that was exciting language, and the right hon. Baronet was sent to prison, but how was he treated there? Was he set to stitch small-clothes, and make waistcoats? No, if he had been so, the Government would have heard of it to this day, and the right hon. Gentleman would never have rested until he had had his revenge. In twenty years what a change had taken place, and how different was the treatment of Mr. Vincent to that which had been experienced by the right hon. Gentleman. He was not surprised that the noble Marquess, the Secretary for the Home Department, should shrink from adopting a lenient course in this case, considering the effects produced to him by his excessive leniency in the sister country: but he trusted that the noble Marquess would find persons in that House who would fortify him in adopting a less harsh line of proceeding than that which had been now carried on. He trusted that the hon. Under Secretary of State would give the House some hope that the prisoner should be removed to Monmouth gaol, considering the expectations held out to him by the judge at the trial, and more especially considering the injustice of inflicting on him, an inexperienced young man, these hardships, after similar offences committed by persons of experience, had been punished in such a different manner.

Mr. *Aglionby* conceived, that the species of imprisonment adopted in this case would create a popular sympathy much more dangerous than any of the writings of Mr. Vincent could possibly produce.

Lord *John Russell* thought his hon. Friend the Under-Secretary of State for the Home Department, had hardly been understood by several Gentlemen who had followed in the course of the debate. With regard to Vincent, his hon. Friend had said, that having been concerned for several months in various parts of the country in exciting the people by speeches which were considered of so seditious a nature as to appear intended to excite the people to tumult and insurrection, a prosecution was resolved on, and sentence was passed upon him. The judge had conveyed an opinion, that he did not see that there ought to be in the execution of the sentence any undue harshness or severity. After that he (Lord John Russell) had communicated with some of the magistrates with regard to the treatment which the prisoner ought to receive, amongst other matters, as to the use of books; and with respect to that there did not appear to be any complaint of the treatment of the prisoner in Monmouth gaol. The ground of his being removed to the Penitentiary was not any thing done by him in Monmouth gaol, but that his presence there was used to keep up excitement and agitation among the people. When the insurrection took place, one of the objects held forth to the people was the liberation of Vincent. With respect to the question of his removal, the Secretary of State had by law the power to remove a prisoner from one gaol to another. There would have been an objection to remove a prisoner who was charged upon one county to another county, so as to become a charge upon that county, and therefore Vincent was removed to the Penitentiary. The rules of the Penitentiary certainly made the punishment more harsh and severe than the judge who pronounced the sentence, or the magistrates who carried it into execution at Monmouth, or the Secretary of State contemplated. That was certainly a reason for making some change. His noble Friend (Lord Normanby) proposed to bring in a measure to alter the law, which was at present very strict with regard to the punishment of prisoners in the Penitentiary, and gave power to relax rules in certain cases. That appeared to him, on the whole, the best way of treating the case. It was acknowledged the prisoner could not well be removed back to Monmouth, and he did not know any other gaol to which he could well be removed. With regard to the present motion for carrying an address to the Throne for the remission of part of the punishment, he must give his decided negative to the proposition. In doing so, he did not say that towards the end of the imprisonment, when the advisers of the Crown considered the whole imprisonment which had been undergone, and the part of it which had taken place in the Penitentiary, that that might not be a reason for advising the Crown to remit some part of the duration of the punishment. That might be a question for so advising the Crown, but not a reason for agreeing to an address, which would interfere with the prerogative.

Mr. Sergeant *Talfourd* said, if he rightly understood his noble Friend, that there was reasonable expectation that the additional suffering which the prisoner had undergone, from reasons of necessity, would be considered with regard to the duration of the imprisonment, he should not give the House the trouble of dividing, considering that the object of his motion would be sufficiently attained.

Sir *R. Peel* must express his regret that the noble Lord had made any condition whatever. He had staid to offer his decided opposition to the motion. He had always said that he would resist any attempt of the House of Commons to interfere with the prerogative of the Crown with regard to mercy. He thought that the grace of remitting punishment ought to be left with the Crown, and he was certain that if the House of Commons established a precedent of interfering with the administration of that branch of the prerogative, that the position of the Crown would become most disagreeable and most odious. A popular assembly would be too glad to avail itself of such a precedent for the purpose of leaving to the Crown all the harshness accompanying the administration of justice, and taking to itself all the grace of remitting punishment. He did not say a word to prevent the Crown from exercising its discretion. Let the Crown exercise its full privilege of remitting punishment; but he was sorry that the noble Lord, for the purpose of inducing the hon. Gentleman to withdraw his motion, should have distinctly held out an engagement on the subject.

Lord *J. Russell* begged to explain: He did not propose in any way that the House should interfere with the prerogative of mercy. But in stating the whole case, he was obliged to take into consideration what had been admitted by his hon. Friend, that the sentence was carried into effect with a severity which was not intended either by the judge or the Secretary of State, and that this severity arose from considerations affecting the public peace, and not from any fault of the individual. He said that, taking the whole case into consideration, the advisers of the Crown might properly consider this circumstance in reference to the duration of the imprisonment. In touching upon the question at all, he could not avoid that part of it, but he regretted that he should be supposed to have given any engagement to the hon. Gentleman who had brought forward the motion, which might interfere with the prerogative.

Motion withdrawn.

MR. FEARGUS O'CONNOR.] Mr. Sergeant *Talfourd* then said that he would not detain the House a moment. He had not the slightest desire to interfere with the prerogative of the Crown. He would not say a word as to the justice of the sentence, and he at once withdrew a great portion of the petition. But it contained statements of personal indignities and degradations which in truth were, in principle, the same as the infliction of torture; and he did not know that they differed very much from it in reality. For he could well believe that any gentleman of the station in life of Mr. O'Connor, having been a Member of that House, would rather suffer some acute bodily torture than be compelled to perform the disgusting and degrading occupations which were required of him. His motion, therefore, would be for an address to her Majesty to cause Mr. O'Connor to be removed from the prison of York Castle to the Court of Queen's Bench prison, or to some other prison of which the regulations did not impose on the gaoler the necessity of inflicting such punishments as those of York Castle.

Mr. *Brotherton* took that occasion of presenting a petition from his constituents, complaining of the treatment of Mr. Feargus O'Connor.

Mr. *Fox Maule* had no hesitation in stating that, when the sentence of Mr. O'Connor was carried into effect, his noble Friend was not in the slightest degree aware of the indignities to which it was stated that Mr. O'Connor had been subjected. If the allegations in the petition were true, the treatment of Mr. O'Connor had been not only cruel, but such as had never been contemplated when the sentence was passed. Upon this subject, however, it would be more satisfactory to read to the House some communications which had taken place between his noble Friend the Secretary of State and the visiting justices of York Castle. The first was addressed to Mr. Hague, and was as follows:—

"Whitehall, May 25, 1840.

"Sir—I am directed by the Marquess of Normanby to acknowledge the receipt of your letter of the 22d instant, requesting instructions as to the admission of visitors to Mr. Feargus O'Connor, a prisoner in York Castle.

"It appears to Lord Normanby that, in some cases of misdemeanour, it would be proper to give a discretionary power to magistrates (under the sanction of the Secretary of State) to alter or relax the existing gaol regulations, under special circumstances—with reference to the health, the station, the habits, or other particulars in the individual case—so that the punishment ,affixed to the offence may not in some instances be disproportionately severe, and may not exceed the measure intended by the judge.

"In the case of Mr. Feargus O'Connor, Lord Normanby is of opinion that you might not improperly allow his professional agent or medical adviser to visit him, and occasionally relations; but so as not to allow such relaxation of the general regulation to interfere with the good order and discipline of the gaol. Lord Normanby thinks that the rules should not be relaxed for the purpose of affording facilities to Mr. Feargus O'Connor for the composition or issuing of political writings intended for publication.

"Regulations of a personal description, such as those relating to dress, &c. (which, though convenient in the common run of cases, might in some cases be looked upon as personal indignities) might, in the opinion of Lord Normanby, be properly dispensed with in the present case.

"I am, sir, your obedient servant,

"S. M. PHILLIPS.

"B. Hague, Esq , York Castle."

He next referred to a memorial from Huddersfield, which was as follows:—

"Whitehall, 27th May, 1840.

"Gentlemen—I am directed by the Marquess of Normanby to transmit to you the enclosed copy of a memorial from the inhabitants of Huddersfield, respecting Mr. Feargus O'Connor; and I am to request you to peruse the same, and acquaint me, for his Lordship's information, whether Mr. O'Connor has been imprisoned, as stated in the memorial, in a felon's cell, or subjected to the same rules as felons with regard to diet and discipline, or in any other particular; and whether he has been labouring under severe indisposition, and has applied for any medical assistance or advice, which has been refused.

"Lord Normanby will be glad to have a copy of all the regulations of York Castle relating to misdemeanants and felons; and also to be furnished with the particulars of the treatment of Mr. O'Connor with respect to diet, place of confinement, and all other circumstances; and his Lordship further requests to know whether Mr. O'Connor has made any, and what, complaint of any part of his treatment, and whether anything, and what, has been done upon such complaint. I am, gentlemen, your obedient humble servant,

"S. M. PHILLIPPS.

"Visiting Justices of York Castle."

The next was of the same date:—

"Whitehall, 27th May, 1840.

"Gentlemen—Since my letter to you of this day's date, a statement has been presented to the Marquess of Normanby by Mr. Sergeant Talfourd, from Mr. Feargus O'Connor, relative to the treatment alleged to have been received by him in York Castle.

"It states, among other particulars, that Mr. O'Connor has been associated with felons. Lord Normanby must suppose that this part of the statement is erroneous, as it is expressly enacted by law, that misdemeanants and felons are to be formed into two separate classes.

"Lord Normanby desires me to observe, that there ought to be nothing of degradation or personal indignity in the treatment of Mr. O'Connor, nor anything which may operate with unusual and disproportionate severity, with reference to his state of health or his former habits of life.

"I am, Gentlemen, your obedient humble servant, "S. M. PHILLIPPS.

"Visiting Magistrates, York Castle.'

The next was the answer of Mr. Hague, the visiting justice, which was very short, perhaps shorter than it ought to be. It was as follows:—

"York Castle, May 28, 1840.

"My Lord—I beg to inform your Lordship that Mr. Feargus O'Connor arrived at York Castle on Tuesday, May 19, at ten o'clock at night, and on the following day was asked by the chairman of the visiting magistrates, in the presence of the gaoler, whether he wished to be in a separate ward, in conformity with sec. 13 of the statute 5 Geo. 4th.., chap. 85; when he expressed his desire to be placed in the ward with two prisoners under sentence for three months. On the following morning (May 20) the surgeon ordered Mr. O'Connor tea and sugar twice a day, and animal food once a day, which had been regularly complied with. Mr. O'Connor has worn his usual dress, and has not been required to perform any menial offices in his own sleeping cell, or in the ward which he occupies, except making his own bed, which is now dispensed with. Any menial office which he has done, he would not permit others to do for him.

"I have the honour to be, my Lord,

"Your Lordship's obedient, humble servant,

"Barnard Hague,

"Chairman of the Visiting Magistrates.

"To her Majesty's Principal Secretary of State for the Home Department."

This distinctly contradicted the statement of Mr. O'Connor, that he was made to perform menial offices in the cell of a digusting and degrading character. The next was from Mr. Hague also:—

"York Castle, May 28, 1840.

"My Lord—I have the honour to acknowledge the receipt of your Lordship's letter of yesterday's date, and I beg to refer your Lordship to our letters of this day's date, written previous to the receipt of your last letters, in which you will receive an answer to the queries respecting the diet and discipline observed towards Mr. Feargus O'Connor, with the directions of the surgeon who attends daily. Mr. O'Connor has not made any application for other medical advice, and therefore no refusal can or has been given. Mr. O'Connor has expressed to us his satisfaction with the treatment he has received, and is much better in health than when he arrived at York Castle. Being the only misdemeanant, he would have been in solitary confinement, had not two of the most respectable of the prisoners been placed in the day ward by the desire of Mr. O'Connor himself, as stated in our letter of this morning.

"I have the honour to be,

"Your Lordship's most obedient servant,

"Barnard Hague,

"Chairman of the Visiting Magistrates of York Castle."

The next and last with which he should now trouble the House, was the answer to the foregoing letter of Mr. Hague:—

"Whitehall, May 30, 1840.

"Sir—I am directed by the Marquess of Normanby to acknowledge the receipt of your three letters of the 28th instant, respecting Mr. Feargus O'Connor, "In reply to the inquiry what exceptions are to be made in Mr. O'Connor's favour, Lord Normanby refers you to the general instructions before given, especially to that contained in my letter of the 27th; namely, that there ought to be nothing of degradation or personal indignity in the treatment of Mr. O'Connor, or anything which might operate with unusual and disproportionate severity with reference to his state of health, or his former habits of life. Lord Normanby trusts that this general rule will be more useful for the guidance of the magistrates than any enumeration of minute particulars; but, if you wish for directions on any specific point to which you think this general rule does not apply, his Lordship requests you to inform him.

"It appears to Lord Normanby that if Mr. O'Connor wishes to provide himself with more convenient and suitable bed or bedding, this should be allowed; and that instead of a common prisoner's cell, he should have assigned to him as convenient a room as can be provided on that side of the prison where he is to be lawfully confined.

"Lord Normanby is of opinion also, that Mr. O'Connor should be allowed to see his relations and friends occasionally, and oftener than the general regulation would allow, but not so as to interfere with the good order of the prison.

"Lord Normanby cannot give his approval to the two rules which you have transmitted for his signature, because they do not appear to have been approved by the magistrates assembled at a special court of gaol sessions, which is indispensably necessary.

"I am, Sir,

"Your obedient humble servant,

"S. M. Phillipps.

"Barnard Hague, Esq. York Castle."

It fully appeared from these letters, that it was the desire of his noble Friend, the Secretary of State for the Home Department, that no indignity or degradation should be shown to Mr. O'Connor during his confinement in York Castle; and further, that his sentence should be carried out in a way befitting his former habits of life. He was aware that Mr. O'Connor was an invalid, but there was a discrepancy between what Mr. Connor stated, or rather what was stated in the petition, that he did apply for medical advice, and was refused, and the statement of the magistrates; that, on the contrary, he did not ask for medical advice, and consequently that it could not have been refused. How far the last instructions of his noble Friend, the Secretary of State had been carried into effect, he could not say, but with respect to the petition which he held in his hand, he would refer it to the visiting justices of York Castle, because he thought that they should have an opportunity of vindicating their character, and give a specific answer to each allegation, because without meaning to impute any impropriety to the petitioners, he could not believe that the allegations were well founded, but that some unintentional exaggeration of facts must have taken place, and he would be most happy, on receiving the explanation of the visiting justices, to lay it before the House.

Mr. *Wakley* had received a letter from Mr. Feargus O'Connor, dated 31st May; but after the statement of the hon. Gentleman, he thought that he should best consult that Gentleman's interest by not then reading it. It was said, that changes were in progress, and as it would be better to know what was actually done, he would move the adjournment of the debate till Thursday week.

Sir *R. Inglis* hoped that whatever alteration was made in the discipline at York Castle, it would be made without any distinction of the previous rank of the prisoner.

Sir *R. Peel* was sorry to hear the noble Lord say, that there was an objection to remove prisoners from one gaol to another on account of the expense, because, if that notion was entertained, the consequence must be, that prisoners must generally be removed to the Penitentiary, which as he thought, was not a good place for prisoners of this sort. He did not like to enter upon the discussion, but he thought that it was an error in sending Vincent to the Penitentiary. He hoped, therefore, that the Crown would not abandon the right to remove prisoners from one gaol to another.

Amendment withdrawn, and motion withdrawn.

HOUSE OF LORDS,

Thursday, June 4, 1840.

MINUTES.] Bills. Received the Royal Assent:—Tithe Commutation Acts Amendment.—Read a second time:—Payment of Wages.

Petitions presented. By the Bishop of London, from Braintree, in favour of Church Extension; and from the Journeymen Bakers of the Metropolis, complaining of their being unable to attend Divine Worship on Sundays.—By Earl Fitzwillium, the Earl of Camperdown, and the Earl of Faversham, from Bath, Southampton, Halifax, and other places, for a Repeal of the Corn-laws.

CANADA—COLLEGE OF ST. SULPICE. The Bishop of *Exeter* begged leave to ask the noble Viscount (Melbourne) the question of which he had given notice with respect to the Roman Catholic College of St. Sulpice, in Lower Canada. He wished to know what the Special Council had done with respect to the incorporation of that college of which notice had been given in the Extraordinary *Gazette.*

Viscount *Melbourne* said, that the Government had received no account of any ordinance on the subject.

The Bishop of *Exeter* wished to know whether her Majesty's Ministers had received from the Governor-general any report of his having carried into effect, or of his having relinquished his intention of acting on the project which had been announced by him in his despatch of the 13th March.

Viscount *Melbourne* said, that the Government had received no communication on the subject.

The Bishop of *Exeter* wished to ask, thirdly, whether the noble Viscount would have any objection to lay before the House the instructions given to the Governor-general, and which he had referred to in his despatch of March 13.

Viscount *Melbourne* said, that no instructions had been given to the Governor-general on the subject. The despatch transmitted to him merely contained the opinion of the Law-officers of the Crown with respect to the legality of the proceeding. No despatch had since been received on the subject.

The Bishop of *Exeter* said, that if the Governor-general had received no instructions, though he himself had alluded to them in his despatch, that of course settled the question.

CORN-LAWS.] Earl of *Fitzwilliam* presented three petitions from Edinburgh, praying for a repeal of the Corn-laws.

The Duke of *Richmond* would take that opportunity of asking his noble Friend what the terms of the motion were which he intended to propose. It, in his opinion, would be convenient if their lordships were put in possession of the proposition which they were to be called upon to negative.

Earl *Fitzwilliam* said, as his noble Friend had made a speech, it would not be out of order in him to do so also. His noble Friend wanted to know the terms of the proposition which their Lordships were to be called upon to negative. Now his noble Friend presumed, he thought, a little too much upon his knowledge of what their Lordships' intention might be. Their Lordships would have an opportunity of considering the matter, and there was no occasion for them to hasten immediately to negative the proposition. He hoped that their Lordships would consider the question with all the deliberation due to one which regulated, not only the importation of corn, but also the exportation of the produce of this country, and thereby affected the happiness and welfare of the great mass of the people. Their Lordships must be aware that it was perfectly impossible for this country to export the produce of its industry unless at the same time it imported the produce of the industry of other countries. Having so far answered his noble Friend, he had to state to their Lordships, that the motion he should submit to them, for their due and deliberate consideration, would be, "that it is expedient to re-consider the laws which regulate the importation of foreign corn."

The Duke of *Richmond* could assure his noble Friend that the more deliberation the Corn-laws received in that House, the more he should be satisfied, for he only wanted that the public should know the real truth of the case. Their Lordships were aware that persons were sent about the country to tell those things which were not true, and were trying to raise an ill feeling between the labourers, their employers, and landlords. Of course he did not mean to accuse his noble Friend of being a party to the sending abroad of those emissaries. He had merely thought it necessary to know the terms of the motion to be proposed by his noble Friend; and hecon idered it would be negatived as a matter of course, because he knew his noble Friend would bring forward no motion inconsistent with the many pamphlets he had published on the subject. He hoped that his noble Friend would not only bring forward his motion, but would give the House by a vote an opportunity of seeing how many of their Lordships were hostile, as he called it, to the interests of the country.

The Earl of *Falmouth* was anxious that the discussion of the subject should take place, because the truth would then be brought to light.

Earl *Fitzwilliam* quite agreed with the noble Earl, that the more the subject was discussed and considered the better, and, therefore, he did not think that the noble Duke (Richmond) had any right to find fault with those persons who were going about the country. He thought that both lecturers and anti-lecturers were useful in order that the thinking part of the population might be brought to consider the subject. He believed it was one which a great number of persons had very little studied, and he was bound to express his belief that even amongst the highest ranks, not even excepting Members of their Lordships' House, the subject had been very little considered. These were the grounds which induced him to bring forward certain points connected with the subject incidentally.

The Marquess of *Salisbury* did not think it very desirable that the question should be discussed on the presentation of petitions, and without due notice.

The Duke of *Richmond* had never objected to lecturers going about the country, but what he objected to was their stating what was perfectly untrue, in order to excite the labourers against their employers. He did not think it came very well from the manufacturers, who themselves employed large bodies of artisans and workmen, to be inflaming the feelings and passions of the working classes against their masters.

The Earl of *Falmouth* would remind the noble Earl that the organ of the Anti-corn-law party, a very mischievous publication, called the *Anti-corn-law Circular*, had termed the landlords blood-suckers, robbers of the poor, and enemies of the poor.

Earl *Fitzwilliam* had seen the paper in question, but any body who took in a newspaper was not to be held responsible for its language; indeed there was hardly any newspaper that did not contain something reprehensible. He thought it was a very indecent mode of describing a most respectable class, who were certainly equally respectable with the fund-owners, the mill-owners, or any other owners.

The Earl of *Falmouth* said, that the noble Earl would find that these words had been made use of in the Manchester Chamber of Commerce, and he was rather surprised to find so respectable a body of merchants sanctioning the use of such terms.

The Earl of *Warwick* said, that if the noble Lord looked at the *Anti-Corn-law Circular*, he would find that he was recognised as their leader in the House of Lords, and that all the petitions were recommended to be sent to him for presentation.

Earl *Fitzwilliam* said, he did not think the Chamber of Commerce was responsible for the opinions of every individual of the body.—Petitions laid on the table.

CASE OF MR. O'CONNOR.] Lord *Brougham* presented a petition adopted at a large public meeting, held at Bradford, in Yorkshire, and signed by the chairman on behalf of the meeting, complaining of the treatment of Mr. Feargus O'Connor in York Castle. The petition stated that Mr. O'Connor, for the offence of which he had been convicted—a libel—had been subjected to the treatment of felons, and to the inflictions suffered by thieves and murderers. He begged it to be understood that he was here stating merely the petition, vouching not in any degree for its truth, nor saying (because not knowing) how far it might or might not be exaggerated. The petition went on to state that Mr. O'Connor, had been compelled to lie on an iron bedstead, and to perform various menial offices, some of them of a disgusting nature, which were specified—that he was not allowed to receive visits from his friends—that he was denied the accommodation of a wooden bench to sit on, and was obliged to sit upon the cold stone, although suffering under disease; and that the effect of this hard usage had been greatly to injure his health. The petition went on to give various instances of persons, who in former times had been convicted of similar offences, but who had not been subjected to like treatment, and complained of the hardship and injustice of thus varying the punishment for the same offences. The prayer of the petition was, that their Lordships would institute an inquiry into the case with a view to Mr. O'Connor's removal from the felons' to the debtors' side of the prison. As far as respected the inquiry, it was within their Lordships' power; but as to the other part of the prayer, he doubted much if they could interfere. This, however, he must say, that if there were any truth whatever in these statements, and others of the same kind which had lately come before the public, there was cause for the deepest regret, and great danger of exciting that feeling so fatal to the design of all punishments—of indignation at the treatment of the offender instead of at his offence. Offender he must call Mr. O'Connor, as he had been convicted by a competent tribunal. The case excited in his mind many reflections with which he would not now trouble their Lordships. But he was anxious to afford his noble Friend, the noble Marquess at the head of the Home Department, an opportunity of stating the result of the inquiry, which might have been instituted, and how far there was any truth in these statements. He would now for a few moments request the attention of their Lordships and of his noble Friend to a point intimately connected with this subject, to a clause introduced into a bill sent from their Lordships' to the other House, and proposed to be amended by one of their Lordships. He wished to have it considered, whether the object of that proviso could not be effected in another manner. He was desirous of avoiding even the semblance of an indifference, as to the giving some power to prevent the recurrence of such evils. But if the noble Viscount wished to apply a remedy to the existing case, he thought it would be better done by the Executive Government, upon its own responsibility, leaving the House to make the general changes that were necessary in the law. He would give no opinion upon the subject, and he only threw those suggestions out for the purpose of attracting the attention of the noble Viscount. If no harm was likely to occur from the delay of the introduction of so important a clause in the Prisons' Bill, as that which had been proposed, he thought some little delay should take place in order to afford ample time for its consideration. With respect to the treatment complained of in the petition, he thought that such treatment ought not to be adopted even towards felons, far less ought it to be employed to those who were guilty of misdemeanors. He thought that punishment in the most aggravated cases ought not to be of that nature which was revolting to humanity.

The Marquess of *Normanby* was not then prepared to enter into all the subjects alluded to by the noble and learned Lord. He wished, however, to say a few words with regard to the case of

Mr. Feargus O'Connor. The day after it had been decided that Mr. O'Connor was to be sent to York Castle, an application had been made to him to postpone his transfer to the prison. That happened on Friday evening, and the application was made on the ground of the state of Mr. O'Connor's health. He recommended, that the departure of the prisoner should be deferred till the following Monday, in order that he might have time to procure farther information on the subject. He found, however, on inquiry, that the immediate removal of Mr. O'Connor was not likely to be attended with any danger to his health. Another reason for his declining to interfere was, that Mr. O'Connor was then in the custody of the officer of the court which had pronounced sentence on him, and he was sure, that the court had deliberately considered the place in which Mr. O'Connor should undergo his confinement. The first communication on the subject was one which he addressed to the visiting magistrates of York Castle, on the 25th May, in which he had stated to them, that he thought in some cases of misdemeanor it might be advisable to relax the prison regulations. [The noble Marquess read a letter dated 25th May, for which see the debate in the Commons of June 2nd.] The Act 4th, Geo. 4th, gave, he thought, the justices power to relax the gaol regulations in certain special cases, but the justices had usually construed that act as only giving them power in cases of sickness, and had excluded other cases from their considerarion. This letter of 25th May showed, that in that early stage of the business, his attention had been directed to what might be considered under the special circumstances of the case by Mr. Feargus O'Connor, as personal indignities. The next communication he received was a memorial from Huddersfield, complaining of the treatment to which Mr. Feargus O'Connor was subjected. He again addressed the magistrates in consequence of this memorial, and went more into detail as to the relaxations which he thought might be advisable in the case of Mr. Feargus O'Connor. On the same day he saw Mr. Sergeant Talfourd, and then came the complaint, that Mr. O'Connor had been compelled to associate with felons. He had called the attention of Mr. Hague, the visiting magistrate, to this subject, and referred him to the enactments, ordering the separation of persons convicted of misdemeanor from felons, and Mr. Hague had given an explanation which was perfectly satisfactory. He had alluded to the Act 5th, Geo. 4th, in which, although it was enacted, that persons convicted of misdemeanors should not be associated with felons, yet in case there should be but one misdemeanant confined in a goal, he might be associated with other persons in the prison if he were desirous of it. Now Mr. O'Connor was the only misdemeanant in York Castle, which was not generally used for the confinement of prisoners of that class, Mr. Feargus O'Connor was asked if he preferred being left by himself or being associated with others, and in consequence of his not wishing to be left alone he was put with two other prisoners. Mr. Feargus O'Connor had mentioned this to Sergeant Talfourd, he had said that certainly he preferred being associated to being left alone. It was entirely a matter of taste, but Mr. O'Connor said of course he declined being left alone, and was consequently placed with these persons. With respect to his next statement respecting Mr. O'Connor's bed, it did appear to be a case of great hardship, and he had recommended the visiting justices that indulgence in that respect should be extended, and he had every reason to believe Mr. Feargus O'Connor was now provided with a bed of another description. With regard to his being obliged to perform menial office, that was a matter to which he had directed the immediate attention of the visiting justices, and they had informed him that Mr. O'Connor had not been required to perform any menial offices except making his own bed, which was now dispensed with, and that any menial offices which he might have performed, he would not allow any person to do for him. With reference to the food, that was one of the points on which the visiting justices, had, under special circumstances, the right to relax their rules, representing it afterwards at Quarter Sessions; and in his last letter he had called their attention to that, with a view to permanent arrangement, but in the mean time Mr. O'Connor was not suffering any hardship on this account, because the surgeon, as a matter of health, had ordered him tea and sugar, and fresh meat once a day. On the 1st of June he had caused a letter to be written, to the following effect:—

"I am directed by the Marquess of Normanby to acknowledge the receipt of your letter of the 29th May, respecting Mr. F. O'Connor, and to inform you that his Lordship sees no objection to a suitable room being supplied Mr. O'Connor in another part of the prison, provided it can be done agreeably with the arrangements of the law respecting debtors, who are to form a separate class. I am also, with reference to the fifteenth rule, desired to refer you to the tenth section of the 4th George 4th, which enables one or more justices, under special circumstances, to allow a prisoner to receive food and clothes beyond the first allowance, and to recommend you to allow Mr. O'Connor to have any reasonable allowance in these particulars."

He thought it was due to the visiting justices that their case should be laid as clear as possible before the public, and therefore he had sent Mr. Crawford, an inspector of prisons, to York to put himself in communication with the visiting justices, and learn all the facts of the case; and he thought it would turn out that many of these things, from the state of Mr. O'Connor's health, had made a greater impression on his mind with respect to the hardships he was suffering, than the facts warranted. He had stated to their Lordships the other day, in dealing with an amendment of the House of Commons, that he felt, in the present state of the law on this subject, parties of various kinds were subjected to a degree of hardship that he did not believe it was originally intended they should suffer. Most of the cases alluded to in the memorial from Bradford were of persons convicted before the 4th George 4th, and before the classification of persons convicted of misdemeanours, and their separation from debtors. It must be always remembered these regulations were adopted for meeting the case of the physical condition of the great majority of persons subjected to prison discipline, which, previous to that act, had been much neglected. He thought himself that public attention required to be more directed to those who had fallen under these regulations, and that the amendments that had come up from the House of Commons did not meet the evil. He would not relax or show any indulgence to persons because they were born in a higher sphere in life, but still they must consider how those things operated as hardships on one class which did not upon another. He thought, therefore, that the amendments of the Commons might be carried a little further with respect to those who had been convicted of minor offences; still he thought there was great objection to giving this discretionary power to the Executive Government and it was only for the purpose of putting an end to that evil that he had proposed his amendment to their Lordships. He had shown that amendment to the Lord Chief Justice, who was of opinion with himself that it would be best to adopt the amendments as they had come up from the House of Commons, adding thereto the amendment he had proposed. He was quite ready to postpone the consideration of those amendments if he thought he could carry a general measure on the subject.

Lord *Brougham* thought, one part of the noble Lord's statement was quite satisfactory, namely, that directions had been given to enquire into the truth of these allegations. Very opposite accounts had been given, and he had no doubt from the character of the Gentleman employed, there would be some light thrown upon the subject. The postponement of the power intended to be conferred by the clause would not have the effect of postponing the indulgence which he understood had been already shown to that gentleman.

The Duke of *Richmond* thought, the best thing that could be done would be to refer the bill to a Select Committee. He thought when gentlemen were guilty of a violation of the law, they ought to be punished with as much, if not more severity than the humbler classes. They ought to be very cautious in making any changes in the great principle of prison discipline, because a man might say he did not care for committing an offence, as his health was weakly, and when sent to prison he would receive indulgencies. In his opinion, the best way to deal with offences was to make the punishment certain, and of that degree of severity that it would deter persons from violating the law.

The Earl of *Devon* agreed to the principle, as proposed by the noble Marquess, as by it the Judge would be enabled, when passing sentence on the prisoners, to state the class in which he should be confined.

Petition laid on the table.

* * *

HOUSE OF COMMONS,

Thursday, *June* 4, 1840.

MINUTES.] Bills. Read a first time:—Timber Ships; Poor Clergy Maintenance.—Read a second time:—Metropolitan Police Courts.

Petitions presented. By Mr. Brotherton, Mr. Lushington, Lord Worsley, and others, from Gosport, Scarborough, Sheffield, and other places, against the Importation of Hill Coolies into the Mauritius.—By Dr. Lushington, from St. Anne's, Limehouse, against the Rating of Stock in Trade, and against Church Extension.—By Mr. Bailey, from the Grocers of Worcester, and by Mr. Hutchins, from the Grocers of Cardiff, to admit Foreign Sugars.—By Mr. Villiers, from various parts of the country, for a Repeal of the Corn-laws.—By Mr. G. Palmer, from Chelmsford, against the use of Climbing Boys.—By Mr. Villiers, from Yorkshire, against the Colonial Passengers Bill.—By Mr. Alderman Thompson, from Sunderland, complaining of an undue preference to the Cinque Ports.—By Captain Fitzroy, from Lewes, against the Constabulary Act, and by Mr. Bernal, from Rochester, in its favour.—By Sir E. Wilmot, from Lincoln, against the Exportation of Hill Coolies from India.—By Mr. Round, from a Parish in Essex, against the 8th Clause in the New Poor-law Amendment Act.—By Mr. G. S. Barry, from Cork County, against the Importation of Foreign Flour into Ireland.—By Lord Worsley, from Lincoln, against the Poor-law Amendment Act.—By Mr. Brocklehurst, from Silkweavers at Macclesfield, against any further Reduction of the Duty on East India Manufactured Goods.—By Mr. T. Duncombe, from the Charter Association of Edinburgh, complaining of the Treatment of Mr. O'Connor in York Castle.—By Mr. F. Dundas, from Totnes, for a Total Repeal of the Corn-laws.—By Mr. Cartwright, from the Guardians of the Poor-law Union in Northamptonshire, against the Poor-law Amendment Act.—By Mr. A. White, from the Independent Congregation of Sunderland, against the Exportation of Hill Coolies from India.

ASSESSMENT FOR POLICE.] The Order of the Day was moved for the second reading of the Police Rates Assessment Bill.

Lord *G. Somerset* said, he would not oppose the second reading of this bill, although he was of opinion that it would require much modification before it passed into a law. He had received several communications relative to this measure, and he would propose that the hon. Gentleman should put off the Committee for at least a fortnight, and that in the mean time he should endeavour to come to an understanding with the different parties interested in this bill who were hostile to some of its provisions. In Committee he should propose to reduce the *maximum* rate to 6*d*. in the pound instead of 8*d*.

Mr. *F. Maule* was glad that the noble Lord had expressed his intention not to oppose the second reading of this measure. With regard to a reduction of the rate from 8*d*. to 6*d*. in the pound, he would give the matter his best consideration, and if he saw that it could be adopted, he should throw no difficulties in the way of the noble Lord's proposition. If, on the contrary, he should, after deliberation, come to the conclusion, that in order to secure the efficiency of the police force the higher rate was necessary, he should then state his reasons for resisting the noble Lord's proposition, and leave the House to decide which of the two rates should be adopted.

Bill read a second time.

CUSTOMS DUTIES.] On the report of the Customs Duties' Bill being brought up,

Mr. *B. Wood* rose according to notice, to move the rejection of the seventh clause, which required the buyer of goods, &c., under a contract, to pay the increased duty. This clause was intended to charge 5 per cent. to those who may have bought goods before the 15th of May, to be delivered on or after that day, whether they bought them with the "duty paid" or otherwise. Such a provision he considered unjust to the buyers. It gave an unexpected and uncalled for protection to sellers who had not been sufficiently cautious in making their bargains. He held in his hand a petition from the wholesale and other dealers in colonial, East Indian, Mediterranean, and other produce, in the port of London, complaining that they should be grievously injured by this 7th clause. The substance of their statement was, that the clause was intended to relieve those who had not used common prudence in making their contracts—that if a reduction, and not an increase of duty, had taken place, it was the seller and not the buyer who would have been benefitted; that the buyers would now have no means of redress, as it would be unsafe to add the duty to the selling price to their customers: and that it was an improper interference with existing contracts. He coincided in these views, and he should therefore move that the clause be expunged.

The *Chancellor of the Exchequer* said, the question for the House in this case to decide was which party, the seller or the buyer, was to pay the additional duty. He would state the case as it presented itself to him, and first of all he would observe, that such a clause was usual in former acts. Suppose a party sells a quantity of goods in bond for a given price, "duty paid," and before he delivers them out an additional duty is imposed. If that duty be imposed on the seller, he loses the money out of his pocket without having any means of recovering it, as he is obliged to deliver the goods to the purchaser at the price contracted for; but if it be imposed on the buyer, he can recover it against the consumer by adding it to the selling price of the goods. It appeared to him, that the justice of the case was in favour of the clause, and it was for that reason that he had introduced it into the bill.

Sir *S. Lushington* said, that a considerable body of his constituents were deeply interested in this clause, and they conceived it to be utterly opposed to justice. He thought that it was incumbent on those who supported the clause to show the justice of such an innovation.

Mr. *Bernal* said, it was truly stated by the Chancellor of the Exchequer, that as there was a certain loss, it must fall somewhere, and it ought to fall on the purchaser. Common justice required that the loss should be dispersed over the largest surface, and consequently it must fall on the public.

Mr. *Alderman Thompson* said, it was better to leave the buyer and seller to adjust their own affairs, than to leave them to be settled by Parliament, which would only tend to promote litigation.

The House divided on the question, that the clause do stand. Ayes 100; Noes 17:—Majority 83.

List of the Ayes.

Aglionby, Major
Ainsworth, P.
Alston, R.
Baring, F. T.
Barnard, E. G.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Bryan, G.
Buller, C.
Burr, H.
Busfeild, W.
Campbell, Sir J.
Chichester, J. P.
Clay, W.
Clements, Viscount
Clive, E. B.
Courtenay, P.
Cowper, hon. W.
Dalmeny, Lord
Divett, E.
Eliot, Lord
Elliot, hon. J. E.
Euston, Earl of
Fielden, W.
Fitzroy, hon. H.
Fleetwood, Sir P.
Gillon, W. D.
Greg, R. H.
Greig, D.
Grey, right hn. Sir G.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcote, J.
Hoskins, K.
Howard, E. G. G.
Howard, P. H.
Hughes, W. B.
Hutt, W.
Hutton, R.
Lemon, Sir C.
Lennox, Lord A.
Lushington, C.
Macaulay, rt. hn. T.B.
Mackinnon, W. A.
Maclean, D.
Macnamara, M.
Maule, hon. F.
Morpeth, Viscount
Nagle, Sir R.
O'Ferrall, R. M.
Palmer, R.
Palmer, G.
Parker, R. T.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pigot, D. R.
Rawdon, Colonel
Redington, T. N.
Rich, H.
Round, C, G.
Rumbold, C. E.
Rushout, G.
Russell, Lord J.
Rutherfurd, A.
Sanford, E. A.
Seymour, Lord
Sheil, right hon. R. L.
Shelborne, Earl of
Sheppard, T.
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Surrey, Earl of
Wall, C. B.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Sir T.
Wilshire, W.
Wood, G. W.
Wrightson, W. B.
Wyse, T.
Yates, J. G.

TELLERS.

Stanley, hon. E. J.
Parker, J.

List of the Noes.

Aglionby, H. A.
Attwood, W.
Boldero, H. G.
Dundas, C. W. D.
Fector, J. M.
Hastie, A.
Hodgson, F.
Hope, hon. C.
Mackenzie, W. F.
Marsland, H.
Neeld, J.
O'Neil, hon. J. B.
Sibthorp, Colonel
Thompson, Alderman
Thornely, T.
Vigors, N. A.
Wakley, T.

TELLERS.

Lushington, Dr.
Wood, B.

Report agreed to.

Grand Jury Cess—(Ireland). The Order of the Day, for the House to resolve itself into Committee on the Grand Jury Cess (Ireland) Bill read.

On the question, "that the Speaker do leave the Chair,"

Mr. Sergeant *Jackson* rose, in pursuance of his notice, to move that it be an instruction to the Committee to divide the bill into two bills—the one to provide for fiscal objects, and the other for the administration of justice. Previous to entering into a discussion on the merits of the measure itself, he would avail himself of that opportunity to reply to the sarcasm cast upon his side of the House on Monday last by the noble Lord, the Under Secretary for Ireland, that they wished to impede the progress of this bill on account of its dependence upon the Irish Municipal Bill then before the other House. It was plain, from the repeated postponements of this bill by the Government, that the Government was most anxious not to expedite it. With regard to the bill itself, as it now stood, it had two objects—the one to join districts to counties for fiscal purposes, and the other to provide civil jurisdiction for the districts thus joined. These objects had better be provided for in separate bills. The fiscal objects which it was intended to accomplish had never been introduced into the Municipal Bill till the 19th of April last year. They had been objected to at that time as an innovation by no means advantageous to the bill itself. Hon. Gentlemen on his side of the House thought, that the Grand Jury ought not to be deprived of the functions they enjoyed before, and had moved in consequence in the Committee, that the clauses so depriving them of their functions be expunged. Their objections, however, had been overruled in that House. The bill then went up to the other House of Parliament. The same objection was made to those clauses in that House, and there they were struck out. The bill then came back to the House of Commons, and it was the opinion of the Speaker, that the alteration which their Lordships had made in the fiscal clauses was an interference with their privileges, and therefore the Government gave up the bill at once. When the Municipal Bill was again introduced this year these clauses were not included in it, but instead thereof, this Grand Jury Cess Bill was submitted to the House. Now, by introducing these fiscal clauses into the same bill which provided for the administration of justice, it was quite clear that the Government would lose the bill in the same way that they lost the Municipal Bill of last year. If, therefore, the other parts of this bill were necessary to the Municipal Bill, they had better detach the fiscal clauses from it. There were several towns, for instance Cork, Limerick, and Galway, which had rural districts attached to them. These districts, which were now severed from those towns, would not be added to the counties contiguous, and would thus be left without justices, without sheriffs, without coroners, and without sessions, and therefore the legislation contained in this Grand Jury Cess Bill was absolutely essential to the bill before the other House of Parliament, in order to provide for the administration of justice. It was, however, one of the strangest specimens of legislation he had ever seen. The first clause took away from grand juries all power of cess, the second transferred that power to the town councils. There were clauses in the present bill which were directly contradictory to some of those of the Municipal Reform Bill for Ireland. The Corporation Reform Bill provided, that there was to be no change of boundaries as regarded grand jury presentments, while this bill contained a clause to an effect directly contrary. If this bill were not divided into two parts, he warned the noble Lord that both the municipal Reform Bill and the Grand Jury Cess Bill would be lost. The House of Lords had struck the fiscal clauses out of the Municipal Reform Bill, and it was now proposed to re-insert them in this bill. The result would certainly be, that if the bill were not divided, the measures would be thrown out by the other House. For these reasons he should beg to move that it be an instruction to the Committee to divide the bill into two bills, the one to provide for fiscal objects, the other for the administration of justice.

Mr. *Pigot* admitted, that there was an inconsistency between the clauses of the two bills. But did the learned Sergeant mean to lay down the principle that a bill passed into law could not be altered or amended by another bill passed during the same session of Parliament? There was nothing in the present case contrary to the usual practice of Parliament. Connected with this bill there were two questions perfectly distinct. One was, whether or not Parliament would repose in the new town-councils the duties and responsibilities which such municipal bodies would possess. The other was, whether or not the boundary clauses formed a necessary part of the Municipal Reform Bill. He contended that this bill must be viewed as a single and indivisible measure, and that neither] of its parts formed a necessary branch of the measure of corporate reform. The clauses settling the jurisdiction were rendered necessary by the changes which the bill itself would introduce. The hon. and learned Sergeant wished to relieve the rural districts from all contribution to the borough funds, and throw the whole burden on the inhabitants of the towns, proposing that the town-council should levy a rate for one purpose, and the grand jury for another purpose. He had no hesitation in saying, that if his hon. and learned Friend carried his point, municipal reform would give the greatest dissatisfaction to the towns of Ireland; it would be regarded rather as a curse than a blessing. What led to the course which was adopted in the last session of Parliament, he would mention in two or three words. The bill which was introduced in the beginning of 1839, was precisely as it had been agreed upon between the two Houses in the preceding session. The jurisdiction of the grand juries remained precisely the same, but after the bill was introduced, in the February following, very strong representations were made to the Government of the propriety and usefulness of annexing the liberties to the counties which they adjoined, and leaving the new municipalities to legislate for them. Upon considering the subject, the Government thought that there was only one course which it was proper to pursue, and that was, to assimilate the new municipalities to the municipal councils in England, and give them the power of levying a borough rate to defray those expenses which the corporate property was not sufficient to liquidate. It followed as a necessary consequence, that if these municipalities were to experience heavier taxation, they must have the complete control over the funds raised. Unless, therefore, it was intended to abandon former engagements, and to introduce a new element of dissension into the discussions on the Municipal Reform Bill, he did not think that those who led the Opposition on the other side of the House would agree to the course which had been proposed by his hon. and learned Friend.

Mr. Sergeant *Jackson*, in explanation, stated that his object was to separate the rural districts of counties of cities, and counties of towns, and throw them into the counties at large. He wished them to be separated for all purposes, including those of Parliamentary representation and municipal arrangement. In proposing this course, he did not wish to occasion any inconvenience to the noble Lord, or any embarrassment to the Government. He had objected to proceeding with the bill the other night, because it was his strong opinion that it was most inconvenient to the public service to bring on business on which any discussion was expected after twelve o'clock at night.

Motion negatived. House in Committee. Bill passed through the Committee.

The House resumed. Report to be received.

Colonial Passengers.] Lord John Russell having moved the Order of the Day for the House resolving itself into a Committee on the Colonial Passengers' Bill,

Sir *E. Wilmot* said, that this bill did not appear in itself open to objection; but if it took off the restrictions which had been laid on the importation of the Hill Coolies into the Mauritius or elsewhere, it would be viewed with great suspicion and doubt. He wished to know from the noble Lord whether this bill was intended as a preliminary to taking off the restrictions which had been imposed last year. He hoped, however, that the noble Lord would consent to postpone this bill until a future opportunity, or until next year. For his own part, he did not object to the importation of Coolies into the Mauritius, if certain restrictions and provisions could be devised to ensure their good treatment, and their safe return to their native country when they should desire it. He believed, that if these very necessary precautions were not taken, the importation of the Hill Coolies to the West Indies and elsewhere, accompanied with all its past horrors, would again take place.

Lord *J. Russell* said, the hon. Gentleman had stated very clearly the view which he took of this case. The clauses which he proposed to insert in the bill did not in themselves contain the plan for the admission of Hill Coolies into the Mauritius. In answer to the question which had been put to him by the hon. Baronet, he begged to state that those clauses were intended to bring before the House the general question as to whether, under any restrictions which might be devised, the prohibition now existing might be removed, in reference to the exportation or removal of Hill Coolies from India to Mauritius. He thought, that that prohibition which had been imposed last year (looking to all the horrors which had accompanied the importation of Coolies) was the best measure which could have been resorted to, to remove the evil until further legislation should take place. But some time had now elapsed, and the question had caused much discussion, and he thought that the House would now be enabled to frame sufficiently stringent restrictions to prevent those gross abuses, which had formerly been found to prevail. The papers which had been laid on the Table on Monday last formed a supplement to other papers on the subject, which had been very highly coloured by many parties, and many facts connected with this question had been much distorted by various publications in the country. He proposed, if the clauses which he meant to suggest should be approved of by the country, that the House should consider the best plan (looking to the leading principles of those resolutions) to authorise the importation of Coolies from India. In so doing, he thought, that in the first place, it would be necessary to take care that the agents to be appointed in India should be so appointed by the Governor-general of India, or by some other person holding superior authority in India, who (from their position) would not allow any of those abuses which had been complained of to take place again. In the next place, he held it to be absolutely necessary to maintain the principle of the order in council with respect to the colonies—namely, that when those persons arrived in the Mauritius, they should be free to make such contracts as they should think fit for their own benefit, for periods of one year, and no longer. He thought, that there should be certain provisions made for the introduction of females as well as for the men, with a view to prevent the recurrrence of those frightful scenes which had occurred, but which he hoped would not again take place in any future emigration. With restrictions of this kind backed, as they would be by orders in council, by instructions to the Governor of the Mauritius, by instructions from the Board of Control, and to the Governor-general of India, he thought this emigration might be allowed, and that instead of its inflicting manifold miseries upon the Coolies, it might be made to confer a great benefit to those persons who sought a remunerating price for their services; because the whole question must be allowed to be one which was in favour of freedom of labour. It would be hard to say to any man, you cannot obtain sufficient wages in your native land to obtain a subsistence; and yet, at the same time, to say, that he should not go to another country where he might earn his subsistence, and be enabled, perhaps, at some future day, to go back to his native country. To obviate this latter difficulty was the object of the clauses which he intended to introduce. The causes were very general, but he thought that the papers which were on the Table were sufficient to show, that when these restrictions were placed in the hands of those who would be appointed by the English authorities, they would be duly carried into effect. He thought, they might safely rely upon the conduct of those persons in whom it was intended to place the power of appointment. He thought, that there was a great difference between allowing Hindoos from India to emigrate to the Mauritius, and allowing them to migrate to the West Indies, because there would always be a strong objection to introducing into the West Indies a new race, a third race of men, amongst the natives of the soil, men of totally distinct habits. But then, again, they were to consider the comparative distance of India from the West Indies as compared to the Mauritius, and the difficulty, in the former case, of the Coolies being returned to their own country. He thought, that these were sufficiently strong reasons for the prohibition of the importation of Coolies into our West Indian possessions. He must add that the papers which had last been presented to the House were sent home by the Governor of the Mauritius, with this strong recommendation, that a committee of gentlemen, proprietors of estates in the Mauritius, who entertained the wish to use free labourers well, and to locate them comfortably, and to pay them good wages, had chosen Mr. Anderson, a gentleman who was well known, to make their case known to the Government. He had seen this Gentleman since his return to this country, and nothing could be stronger than the opinion which he expressed, that very great mischief must ensue to all property in the Mauritius if this importation of labourers did not take place. It was not, however, on this ground alone, that he (Lord John Russell) brought this matter forward but on the efficiency of the restrictions which would be suggested to prevent abuse.

Sir *Eardley Wilmot* wished to know whether he understood the noble Lord rightly in supposing that every care would be taken to protect the Coolies from the horrors to which they had been before exposed.

Lord *J. Russell* said, that that certainly was his intention; but he wished the hon. Baronet to understand, that he did not propose to do this by another bill.

Mr. *Bernal* was sorry to hear what had fallen from his noble Friend on the subject of the difficulty of importing the Hill Coolies into the West India islands. The noble Lord, however, had let fall something which militated against the emigration of any set of men to the West Indies. He regretted this, because those who were suffering under the infliction of a tropical sun, and under the evil of a dearth of labour, would feel that the principle of emigration was intended to apply only to the Isle of France, and not to the West Indies. But suppose the noble Lord's argument to be just in one point of view, there was no reason why he should set his face against the importation of labouring men into Jamaica. He (Mr. Bernal) knew some estates in that island which must actually be thrown out of cultivation for the want of labourers to work them, if immigration or the importation of labourers from other places were prohibited. He did not see why the owners and cultivators of the land in Jamaica who wished to locate men from other parts should not have the power to encourage their importation, and to pay them good wages. The noble Lord had spoken with a feeling of great dread of the mixing of the different races in the West Indies; but might he not with equal propriety dread the same consequences from the same cause in the Mauritius? He must say, that it was a matter of great consequence to the cultivators of the soil in Jamaica—it was, moreover, a matter of equal importance to this country that emigration to the West Indies should be allowed. The prices of labour there were now so high, that they could not much longer be borne. Some estates he knew were being carried on at a positive loss. Every letter he received from the West Indies teemed with the burden of the same song—"We have no labour"—"We are in want of labourers"—"Send us labourers." He presumed his noble Friend had not duly considered this subject.

Lord *J. Russell* said, his hon. Friend was quite mistaken in thinking that he (Lord J. Russell) had not considered this subject. Last week some of the most considerable Jamaica proprietors had waited on him to state their wish that emigration should be promoted to the West Indies; but they, at the same time stated to him much more strongly than he had stated to the House, their objection to the introduction of Coolies. It might, indeed have caused a feeling of jealousy if he had said that the Hill Coolies would be worse treated in Jamaica than elsewhere; but it was no disparagement to allude to the vast distance between India and the West Indies.

Mr. *Hobhouse* said, he was an advocate for this experiment being made upon a small scale, before they attempted it on a larger scale. He must say, however, that if the power of the Imperial Parliament could not reach so far as the West Indies, as to allow us to import labourers into the West Indies without abuse, we had better give them up. As to the mixture of races to which the noble Lord had adverted, he did not know where there could be found men of more mixed races than hon. Gentlemen around him. Why, there was the mixture of Norman, Danish, Saxon, and Flemish blood. He believed, that a true-born Englishman was of a more mixed race than any man in the world.

Mr. *Ewart* contended that as far as the comparative distances of the Mauritius and the West Indies from India went, it fell to the ground; because the great objection which had been made, and which was always contended for, was, that those people, the Hill Coolies, were ignorant of the Mauritius; they were ignorant of the very position of the place to which they were exported. He apprehended that any regulations contained in this bill, therefore, might be made to apply equally as well to Jamaica as to the Mauritius; and he could not clearly see how the Coolies were to be subsequently protected in either case. He did not object to emigration to Australia or the West Indies, but he objected to the sort of emigration proposed, of persons utterly ignorant of the place to which they were to be conveyed, or of the dangers to which they were exposed.

Mr. *Warburton* held that whatever means of protection the noble Lord might intend to adopt, yet that the recognition of the principle of importing Hill Coolies into our colonies could only end in a new slavery. If this were the case of the transport of persons with their families and children, who emigrated from their native country with a view to improve their condition elsewhere, and who went from a state where the population was redundant to a country where they expected to amend their condition, it might be very well; but looking to the manner in which these persons were induced to leave their country, he could entertain no hope whatever of the good practical working of the plan of the noble Lord. If they looked to the mortality of the colony to which these Coolies were to proceed, they would see the fact was, that the proprietors of estates in the Mauritius did not look to the required supply of labour only, but they expected to make good the deficiency of labour by the importation of these persons, as in the West Indies of old. For his own part he should prefer the emigration to the West Indies, because there we had a most extended system of inspection. But what was the case in the Mauritius? The Mauritius had a charter for breaking any treaty they made. Look at the slave question. Every governor seemed to have been sent there to wink at any infraction of regulations which the mother country might make. Having thus stated his views, he could only say, that he did not know what might be the views of the House. He supposed there was not a sufficient number of persons to resist the rescinding of the prohibition of the importation of Coolies; but if he thought he should have a majority of the House with him, he should divide upon the question before them.

Mr. *C. Buller* thought that his hon. Friend who had just addressed the House had overlooked the facts of the case; because when he said, if this were the case of men who were leaving a country where the population was redundant—[Mr. *Warburton* had never said so.] He was then in the same error with the great majority of the House. Now, he believed, that with the exception of China, the labouring people of India were the worst off for the means of subsistence, and for the opportunities which they had of bettering their condition. Again, the statistical accounts from our army proved that the Mauritius was a most healthy colony. He thought that the hon. Gentleman might have spared the allusion to certain persons in the Mauritius; it might be an argument to those who entered into controversies on this subject, who might carry revenge into subjects instead of justice. He was stating what he thought. He thought that they ought not, in discussing a question of this sort, bearing as it did on the future welfare of the country, to settle it with reference to past complaints against persons in authority in the Mauritius. The measure before them was either good or bad. If it were good, it was good for both parties; but do not let them permit the matter to be viewed with feelings of revenge, instead of justice, because they thought persons in a colony had acted ill before. He agreed with his hon. Friend the Member for Rochester, that the demand for labour in the West Indies was a matter of great moment, not only to the proprietors of estates there, but to this country. He was astonished that the advocates against slavery should have taken up this question in the manner they had. The friends of the abolition of slavery ought to exhibit a readiness to supply the colonies with free labour, for the only way to grapple with the slavery question successfully was to bring free labour into competition with slave labour. Improve the condition of the free labourer, and bring him effectually into competition with the slave labourer,—that was his advice. Those who wished to extinguish the system of slavery ought to hail with delight the prospect of bringing the free labourer into the British colonies; and he was further of opinion, that the plan embodied in the resolutions ought to receive the support of Government. There were, it was true, certain difficulties as to the West India colonies which did not exist in respect of the Mauritius. The Mauritius was but a short distance from the Indies, sixteen days, or three weeks voyage only, while the West India colonies were not to be reached in a less period than three or four months. There was much strength in the argument of the noble Lord, that the Hill Coolies in the Mauritius formed the majority of the labouring part of the population, and that in the West Indian colonies, the Hill Coolies had to contend with two other classes, the negro and the white competitor. In the Mauritius the importation of labourers from India was nothing new. The custom had existed from time immemorial, particularly at the time when the French were in possession of the Indian colonies. The Hill Coolies, were, therefore, not for the first time brought into the Mauritius, but there was already a large population of those labourers settled in the colony. It was contended, that this emigration not being of both sexes, was disadvantageous, but this very disadvantage was proposed to be remedied by the noble Lord by the introduction of an equal proportion of both sexes. The permission required by the resolutions was necessary to enable the planters to keep up the growth of sugar. The House was asked to allow the Hill Coolies to be introduced into the Mauritius, which, without such introduction, must go out of cultivation. The course which a wise man ought to take in the present case was to prevent injustice, and to benefit both the labourer and the planter. India had a superfluity of labourers, and the Mauritius, without the benefit of that superfluity, was likely to become a desert.

Sir *S. Lushington* deeply regretted the question had come in such a form before the House. It was true they were apparently about to discuss the question as to the admission of labour into the colonies, which was contained in the resolutions, to which resolutions, if they stood alone, he should not object; but connected as the subject was with other circumstances, he was compelled to depart, in some degree, from the subject matter under debate, and to state his own views of those principles applicable to the subject, and the mode of carrying those principles into execution. It had been charged against the opponents of the introduction of Hill Coolies as labourers, that they were opposed to the introduction of all free labour into the colonies. That was not true, for one of the principles the opponents advocated was, that when there existed a want of labourers on one hand, and a superfluity of labourers on the other, the deficiency ought to be supplied on terms of mutual benefit. Again, it had been said the opponents were inimical to the sugar market; that they also disregarded the numerous petitions on the subject, and the high price of sugar which the consuming population were likely to be obliged to encounter. It was singular, however, that this outcry had arisen so soon. This deficiency had not yet become so alarming. There was as yet only a deficiency of one-tenth compared with last year, and thus there appeared no real grounds for assuming that the deficiency would be so great as to create inconvenience to the community. In answer to the remark, that the deficiency of labour would create a still larger deficiency of produce, he had only to observe, that all rational men must be agreed in the opinion, that it was a wise course to increase, as much as possible, the produce of sugar by the help of free labour. But the difficulty he had on the subject was from other and different considerations. The hon. Gentleman who had just addressed the House, had accused the hon. Member for Bridport of a want of knowledge of facts; but he (Dr. Lushington) asserted that the hon. Member had not exhibited any want of facts. The hon. Member had further accused others of introducing revenge in place of justice, but he produced not one fact in support of his assertion. [An Hon. *Member:* No.] The hon. Member did use these words, and in doing so hazarded an assertion which savoured more of rash presumption than of correct knowledge of the question. He did not intend to be accused of importing revenge in place of justice into his opinions, without repelling the insinuation. As to the clauses, they were ostensibly to enable Government to carry into effect the importation of Hill Coolies into the Mauritius. So far so good. But what he wanted to know was this—Government had already made the experiment, the Indian government had tried all that laid in their power to prevent abuses, and Government had been repeatedly told that the authority exerted to the utmost extent had utterly failed to repress abuses, From day to day, and hour to hour, men were kidnapped and sent away from India; he had the fact from a report, and from papers which he held, and this in addition, that when 250 individuals, from disease, were found to be incapable of work, they were made one single shipment of, and all sunk, in spite of the opposition of the authorities. He asked his right hon. Friend if he was going to arm Government with greater powers if he succeeded in carrying his resolution? There was a report, but Government had never produced it. [Sir *J. C. Hobhouse:* The report never arrived.] That was very extraordinary, for he found the report in the very paper he held. [Sir *J. C. Hobhouse* said, there was another report.] It had been asserted that he was arguing on a report never made or sent, but that a report was made he ascertained from the paper. The committee appointed to search into the subject had made a report, but that report had, as yet, not been produced. Now, it was an important point to have this report. He wanted the report, because the report would enable him to see if the exportation which had taken place was neither deceptious nor oppressive. The House ought to be satisfied on that head before it proceeded further with the affair. The report on the subject, which had obtained publicity, was from a gentleman, who declared that the frauds which had been committed were beyond conception, and utterly beyond the power of the Government to prevent. The noble Lord might state, in defence of his plan for exporting labourers from the East Indies, that he would bring forward an effectual and perfect remedy against those frauds, and that injustice which had hitherto taken place; but even if the noble Lord did so, what was to become of the exportation from territories which did not belong to the British Crown? [Sir *J. C. Hobhouse:* There is no prohibition now.] What he intended to convey was, that there was no safeguard of any kind against fraud and injustice. He would now advert to the middle passage. What were the regulations? At present, they were as stringent as possible, but yet they were baffled, and they afforded no real protection against wrong. He referred to past experience, and he wished to know what was the security the noble Lord could offer for the enforcement of any one order in council he might obtain. He would defy contradiction of these facts. In 1810, we had the colony. In 1814, it was made a capital felony to import slaves. He had presented a petition from some merchants, who declared they could not any longer carry on business if a better system of justice was not adopted in the Mauritius. What arose from this? Why, that make what ordinance the House pleased, in the present state of things in the Mauritius, it would become a mere dead letter, and would never be carried into effect. By the blessing of God, however, a gentleman had come from the Mauritius, who stated that if they adopted his plan all these things would be put an end to. Speaking of the Hill Coolies, that Gentleman said they were all treated in the worst manner by being over-worked, and by the chastisement they received; that their lodgings were most filthy, or they had none at all, and that, in case of sickness, advice was withheld from them altogether. Now, if the noble Lord would find him a system that would provide against those evils—if the noble Lord would give him responsible agents, he would not be opposed to voluntary emigration into the Mauritius. But what was the state of that colony? Why, the persons there worked with police inspectors over them, and were, in fact, slaves to all intents and purposes. Was this no slavery, he would ask? It was a mockery of the grant of twenty millions, and it was a mere fallacy to suppose that those who went there were free labourers. He, for one, could not believe them to be so when he looked at the documents he held in his hand. Look, then, to mortality. What was the statement of Mr. Anderson upon that subject? Why, that it amounted to no less than eight or nine per cent. per annum. Did they wish it to be greater? He, for one, thought that the population would be worn out quite sufficiently with that. At present, the system carried on there was brutal in the extreme. The proportion of the sexes of the Hill Coolies brought over was extremely unequal—thirty men to one woman, and nothing was more destructive to peace. The contract between the master and the man was continually violated, and not a single case could be shown where that compact had been set aside. The whole number of the population was between 60,000 and 70,000, of which between 25,000 and 30,000 were imported into the Mauritius. What were the effects of that? Why, there were 25,000 slaves introduced into so small a population, that it was a discouragement to persons to do their duty. Where was the necessity, he would ask, of preferring the Mauritius to all other colonies? Was it because the planters there had not labourers? Just the reverse. Look to the increase of the products of the Mauritius. In 1825, they amounted to 93,000 hogsheads of sugar, and in the last year to 612,000, so that in fifteen years they had increased six-fold. What he asked, and what he wanted from his noble Friend was, not to discourage emigration—he was in favour of it. But what he wanted was, that the whole subject should be considered together. He wished to see rational regulations propounded to the House, and established by its authority, and the executory principle applied to them, and that they should not be a dead letter, but be carried into every quarter of the globe in which emigration had taken place. These were his views, and he was sure his noble Friend would not think that he was raising an improper opposition in the course he was adopting. His firm conviction was, diminished as the products of the West Indies were at present, he entertained no doubt in declaring that that diminution would be less from time to time. Did he, therefore, wish to put a stop to increasing the labourers and increasing the productions? No such thing. He wished to extend to the people of that country the use of that produce, and he would not do any thing to put a stop to its being raised, provided its production did not trample upon first principles. Time had been given to consider the past and present state of the Mauritius, and also to consider whether there were any individual in the country in whom confidence could be placed. He had known something of the Mauritius. He had known of governors going out and coming in, and he must confess that he knew of only one person in that colony in whom any confidence could be placed. Under these circumstances, it was difficult to know what line ought to be pursued with respect to the bill. As to the clauses, there could be no objection to them, but he was now called upon to give his consent to them, upon the supposition that an order in council would be founded upon them. Whether that order would be issued or not, he would not pretend to determine; but all he could say was, that he trusted his noble Friend would give hon. Members some little time to consider the subject.

Mr. *Macaulay* entertained so high a respect for his right hon. and learned Friend, and knew so well the services he had rendered to the cause of freedom, that he felt much pain in differing from him. But after the speech they had just heard, he was unwilling to give his vote without stating the grounds of it. He believed, that with respect to the general principle there was little difference between his right hon. Friend and himself. None knew better than his right hon. Friend how important it was to remove labourers from districts where the population was thick and wages were low, to districts where the land was widely spread, and labour in demand. He would admit, there might be exceptions—he thought, that wheresoever slavery existed there ought to be restrictions placed upon immigration, he was also of opinion, that while slavery existed in the West Indies, it was in the highest degree pernicious to the labouring population to permit the emigration from parts where the demand for labour was small to those where it was great. And he considered, that the system of slavery, separating, as it did altogether, the interest of the capitalist from that of the labourer, depriving the latter of the fair advantage, which in a free condition, he had a right to expect from a fertile soil, and a great demand for his labour, rendered it necessary to impose a restriction upon the passage of the labourer from one country to another. But now, if there was any one part of the empire from which it was desirable to encourage emigration, it was India, and if there was any part to which the tide should flow, it was the Mauritius. The wages in the latter place would be fifty times what the labourer received in his native place. When he considered the state of the native peasantry of India, he would say, with every respect for the sincere feelings of humanity which actuated those who were opposed to the present measure, that they might be betrayed by those very feelings into committing a great wrong upon that unfortunate population. He could state it as a fact, that at the time when the debates on the subject of these peasants were going on—while persons were speaking with the greatest horror of the new system of slave-trade, the Governor-general was obliged to turn out of his road to avoid the sight of these wretched peasants dying in the ditches from starvation, in consequence of low wages. He understood his right hon. Friend to say, that as a general principle, they ought not to interfere with the free labourers removing from one part of the country to another, therefore it would appear as if he contended, that in the present case, there were circumstances which counterbalanced the difference between famine and plenty, and between two-pence a day as wages and one shilling. His right hon. Friend had spoken of the disparity between the sexes. Had he heard the statement of his noble Friend, he would have heard that measures were in view which would remedy that great evil. His right hon. Friend had also spoken of the artifices, blameable in the highest degree, practised by the agents in the Mauritius; but had he heard the speech of his noble Friend, he would have discovered that no agency would now be permitted, except such as was authorized by the government in India or the government at the Mauritius. Had his right hon. Friend heard the speech, he would also have discovered that it was intended to limit the contracts entered into to such a degree that the labourers would be at liberty to choose their masters, and that no contract was to last for a longer term than twelve months. That was a state of things under which evils would arise, such as those anticipated by his right hon. Friend. With regard to the point that the language of these people was not understood in the Mauritius, his right hon. Friend seemed to have overlooked the fact, that in that island were constantly to be found a considerable number of the civil servants of the East India Company, men of high respectability, character, and attainments. Those persons understood the language of the emigrants, and would naturally be disposed to feel a strong interest in their welfare. That circumstance alone would constitute a strong distinction between the case of the Mauritius and of the West Indies, which his right hon. Friend had paralleled. With respect to some unfortunate circumstances in the past history of the Mauritius he would say, without attempting to impute to his right hon. Friend any other motives than those by which he was guided, and which were the purest and most humane, that both his right hon. Friend, and the hon. Member for Bridport, had insisted too much upon that point. It was worth while to consider whether the last slave trade, so long carried on in the Mauritius, were to be attributed entirely to a lawless disposition and contempt for the mother country, or whether it were not to be attributed to the fact that the Mauritius was close to the slave market, while other colonies were more distant. There were many general local circumstances to induce the belief that the emigrants would be better off in the Mauritius, and return to their own country afterwards under better circumstances from the Mauritius than from the West Indies. He would say, then, looking at the papers, if he were asked whether the evils he saw there were those of the slave trade such as existed between Africa and the West Indies, or those of the slave trade as it existed between this country and the colonies on the other side of the Atlantic, he should say that the evils, though great and requiring correction, certainly belonged to the latter class. He would only add that he believed no persons—or few at least—had felt more strongly than he had felt during the contest that took place on the subject of negro slavery. He would not say that he did not feel for those persons who were connected with colonial property; and he declared that since that time, so far from regarding those proprietors with unfriendly feelings, there was no interest in the empire which he was more desirous to see in a flourishing and prosperous condition, because he believed that on the fate of the great experiment that had been tried depended the fate of slaves throughout the civilized world. If, twenty years hence, those colonies in which slavery continued, should be able to point to those in which it had been abolished, ruined, and the plantations in them abandoned, then he would say that although we should indeed have wiped a stain from our own land, he questioned whether we should have conferred a great and signal boon upon humanity in general. Believing, then, that the measure of his noble Friend would have a tendency to promote the prosperity of the colonies by means at once just towards the labourer, and compatible with his freedom and comfort, he should give it his most cordial support.

Mr. *Irving* observed, that unless some steps were taken to promote the supply of labour to the colonies, the greater number of them must speedily be reduced to a state of irretrievable decay. In the West Indies, the produce of late years had fallen off nearly one half, and the expenses of cultivation had increased in a much greater ratio than the price of commodities in the home market. In this state of things, it was impossible that the colonies could go on. He must observe, that his right hon. and learned Friend (Dr. Lushington) had not, upon this occasion, stated the facts connected with the case with his usual accuracy. It appeared from the papers which had been laid before the House, that the mortality amongst the Hill Coolies imported into the Mauritius, amounted to 3½ or 3¾ per cent., which was no more than the average mortality in the garrison. It appeared, too, that although a great proportion of them arrived in the island in a state of great debility, a short residence there restored them to health and vigour, and enabled them to work with cheerfulness and ease. Their condition rapidly improved: and from a state of wretchedness and misery they speedily became contented and happy. He approved of the plan proposed by the noble Lord. It would secure to the Hill Cooly the advantages of free emigration, good treatment on the voyage, and on his arrival in the colony a perfect freedom of choice in the engagement of his labour. This would secure a mutual advantage to the planter in the Mauritius, and to the destitute poor in India. He knew not why the West Indies should not be allowed to draw from the same source a similar supply of labour. His hon. and learned Friend (Dr. Lushington) had spoken of want of obedience to the law in the Mauritius. He (Mr. Irving) knowing something of the island, begged to protest against the accuracy of that assertion. The inhabitants of Mauritius were as obedient to the law as the inhabitants of any other colony belonging to the empire. His hon. and learned Friend had said, that the planters of that island had clandestinely continued the slave-trade long after it had been abolished by the British Legislature. If that were the case, it was done without the participation of the planters, and was discontinued the moment a sufficient protective force appeared upon the coast. The hon. Member concluded by urging upon the House the absolute necessity of providing some means for increasing the supply of labour to the colonies.

Mr. *O'Connell* congratulated the Secretary at War (Mr. Macaulay) upon the new ally he had found in the hon. Member for Antrim (Mr. Irving). He would undertake to say that this was the first time in the lives of both that they had been known to concur in any one opinion. What was the conduct of the planters of the Mauritius? He did not find that they had made any effort to accomodate themselves to the new state of things that necessarily followed the passing of the Negro Emancipation Act. They offered no increase of wages to the emancipated negro as an inducement to work. Their object was not to obtain labour at a fair price, but to extort it for the lowest possible remuneration. With respect to the emigration of labourers there was no doubt that was a desirable thing, provided it were free. What he protested against was crimping, not free emigration. That crimping had taken place in India to supply the deficiency of labourers in the Mauritius, could not be denied. That men had been deceived, deluded, and defrauded, deprived of all protection, and engaged with no fair contract by the planters of the Mauritius under a palpable system of crimping, could not be gainsaid. He appealed to the House whether any one part of the right hon. and learned Gentleman's (Dr. Lushington's) speech had been answered by the Secretary at War. Not one of the charges against the Mauritius had been replied to. Not one particular of the absence of all means to guard the Indian emigrants, when they arrived in the Mauritius, had been responded to. It was admitted by the Government that this kind of emigration could not continue, except under proper checks and guards. The noble Lord said, that he would establish agents in India, who should furnish means of protection to the emigrant. Was he to be told that no Hill Cooly was to be brought from his native hills to the sea shore for the purpose of emigration, except under the sanction and protection of the Government agent? If that were not the case, the system of crimping would continue as heretofore. Whatever plan was proposed, ought to be clearly and distinctly explained before the House was asked to advance a step in a matter of so much importance. In his estimation it was idle to talk of Government agents affording protection to the Hill Coolies against improper and unjust bargains in India. Until he knew how that protection was to be afforded—until he saw how it was to be carried into effect, he could not regard it as a protection to all. He was of opinion that the clauses proposed by the noble Lord ought to be postponed until all the details of the contemplated scheme had been explained; until they knew what the Government agency was to be, and how the machinery that was to protect the native Indian was to be put in motion. Who indeed were the persons who were to guard the Hill Cooly on his voyage, and to see that he was not assigned, when he arrived in the Mauritius,? Why the Secretary at War told the House that there was constantly a number of invalids going from India to the Mauritius for the recovery of their health, and that amongst this suffering gentry persons would be found who would take care of the Hill Coolies. A goodly security this! and one, no doubt, upon which the Cooly might very confidently rely. But the fact failed the right hon. Gentlemen, for he believed that it was not the custom of invalids to go from India to the Mauritius. But even if it were so, that would be the extent and value of the protection afforded by them to the Hill Coolies. Persons suffering from illness had generally enough to do to take care of their own health, and certainly could not be reckoned upon as likely to become very efficient guardians of the interests and comforts of those in whose welfare they had no immediate concern. What a resource was this for so clever a man as the Secretary at War. Cudgelling his brain for a protection for the Hill Cooly he could find none better than that of the Indian invalid. Admirable device! To be safe, the Cooly must embark in a floating hospital, must make part of a cargo of invalids. Why, was this rational? Did it afford anything in the shape of protection that could be relied upon? But was this all? Did not the papers upon the table show that the wretched Hill Coolies, when they arrived in the Mauritius, were made to work under the inspection of the police—that the armed force of the country was employed to compel them to labour? Was he to be told that this was not slave labour? What was slave labour, if this were not? True, the lash was not left in the hand of the master, (though there was evidence to show that the use of that abhorrent weapon was not wholly discontinued), but did it not amount to a state of actual and degrading slavery, when it was left to the correctional police to enforce the amount of labour? Moreover, it appeared that none of the Hill Coolies employed in the Mauritius, were allowed to leave the plantation on which their labour was engaged without a written pass to go through the country. Was this anything like free labour? He shuddered at this attempt to legalise a new slave trade, and to give a new class of slaves to the British Empire. Free emigration no doubt was a good thing, but crimping was an abomination. If any scheme for promoting the emancipation of the Indian population were to be adopted, it ought to be clearly and distinctly defined, so that no mistakes might arise—no frauds be practised—no injustice done—no cruelty perpetrated—no tyranny established—no slavery revived. To afford a proper protection to these persons, there ought to be erected a permanent tribunal of protectorship, well salaried by the State. When he saw a scheme of that kind proposed, he would not resist it; but till then he should feel it his solemn duty to oppose all such vague and undefined projects as was now proposed. He begged to move, therefore, by way of amendment, that the consideration of these clauses be postponed for six months.

Mr. *Vernon Smith* trusted, that in the very few observations he intended to offer to the House, he should not be supposed to entertain a less earnest desire for the extinction of slavery than the hon. and learned Gentleman who had just spoken, whose able and long-continued exertions to free the slave were so universally known, and whose efforts in that great cause ought in his opinion to have secured for him a high and paramount position in the ranks of those who professed to be its friends, rather than rejection or exclusion. With respect to the question before the House, he must observe that the whole of the debate had turned upon the errors of the past, and upon the mal-administration and misfortunes which had existed heretofore; whereas his noble Friend (Lord John Russell), in opening the subject, stated most distinctly that it was not his intention to revive the system that had previously existed, but to put it upon a totally different footing. What were the evils most complained of prior to the issuing of the order in council? The duration of the contract under which the Hill Cooly embarked for the Mauritius, and the immense majority of the male sex in that colony. Now his noble Friend stated distinctly that his intention was to carry out such a system that the Indian labourer might embark for the colony without being embarrassed by any contract whatever. It was admitted on all sides of the House that emigration was most important to the colonies; but the moment that any system of emigration was proposed, a host of difficulties were raised, and every kind of difficulty thrown in the way. He doubted whether the objections raised by the hon. and learned Gentleman (Mr. O'Connell), would not equally apply to the emigration of his own countrymen to this country. The hon. and learned Gentleman said, that he did not object to emigration, but to crimping.

A more obnoxious word could not be used; but did the hon. and learned Gentleman mean to say, that his noble Friend's plan tended in any way to encourage crimping? The object of the plan was to provide a greater security for the native Indian leaving Hindostan for the Mauritius than hitherto; and he maintained that if the plan were adopted, the object would be attained. The right hon. Gentleman, the Member for the Tower Hamlets, said that all the means of protection had been tried already. Had the new system of not allowing them to depart except under contract and accompanied by females been tried? The right hon. Gentleman had long had an opportunity of considering the ordinances of his noble Friend, the Secretary for the Colonies, as regarded British Guiana and Trinidad, and had not offered any opposition to them. If he did not disapprove of those ordinances, on what ground was it that he objected to the present plan with regard to the Mauritius? That there was a want of labour in the colonies was admitted on all hands, and it was the duty of the Legislature to offer all possible facilities to the importation of free labour there. The right hon. Gentleman argued that the Mauritius ought not, as regarded the objects of this bill, to be separated from the West India colonies, because, he said, in no place was power so much abused as in the Mauritius, and not one of the authorities, from the late governor down to the meanest officer, was to be trusted. Now his experience in his present office had not been very long, and he must say that he had not met with any of those complaints which such a general inefficiency or misconduct must of necessity have given rise to. But why had not the right hon. Gentleman, if he was in possession of information on the subject, long since brought it before Parliament? Surely it was the duty of a Member of that House, if cognizant of such a state of things as the right hon. Gentleman had described, to have afforded the House an opportunity of considering it and of expressing an opinion upon it. The right hon. Gentleman had called the authority of Mr. Anderson to his aid in his attack on this plan. That Gentleman's authority, however, rather told the other way, for he had since been appointed by those most interested in the importation of Hill Coolies into the Mauritius their agent in this country, and he had come over for that purpose. He would recommend the right hon. Gentleman in the House to read the last report of Mr. Anderson on the subject, in order to ascertain what were his opinions. The right hon. Gentleman argued, also, from the fact that the production of sugar from the Mauritius had increased, that additional labour was not wanted. It was true that from 1834 to 1839 there had been an increase of 11½ per cent.; but it was against the fear of a future want of labour that the Legislature had to guard. He could not agree in what had fallen from the right hon. Gentleman as to piecemeal legislation in this instance. On the contrary, he thought that it was better for the Legislature to select one particular place for the commencement of the experiment—a point towards which the current of public opinion would set, and which would indicate whether or not the experiment could be tried with success elsewhere. The Mauritius, he conceived, was exactly the colony on which every man of sense would fix as that to which the exportation of labour should be directed. By one means or other a great number of the same class of labourers whom you now proposed to export from India had already been transferred to the Mauritius, and a better field for the experiment, therefore, there could not be. He hoped, from the tone of the discussion this evening, that hon. Gentlemen opposite would not continue to feel towards the emancipated negroes as they formerly felt towards the slaves; but that the Emancipation Act would be an act of oblivion of all feelings but those which tended to the improvement of the condition of the labourers in our colonies.

Mr. *O'Connell* observed, that as by the title of this bill its operation was confined to "our West Indian Colonies," the noble Lord would find it necessary, before introducing the clauses relative to the Mauritius, to move an instruction to the committee to that effect.

The *Speaker* said that, consistently with the title of the bill, those clauses could not be introduced without an instruction to the committee.

Original motion and amendment both withdrawn.

Lord John Russell moved that it be an instruction to the committee that they have power to regulate the intercourse between the East Indies and the Mauritius.

Mr. *Gladstone* said he thought these clauses practically nugatory, because the power given by them was one which the Government already possessed by virtue of their control over the possessions of the East India Company. It was his intention, however, to vote for those clauses; but in doing so he must beg to be understood as only assenting to the general principle of emigration from the East Indies, not as pledging himself to adopt all the details of the noble Lord's plan. The noble Lord must be understood as taking the responsibility of any particular plan for carrying out that principle. With the greatest pleasure he had heard the hon. Gentleman opposite declare his conviction that this emigration question was one of great importance, not only to the planters and labourers, but to the general interests of humanity. He must also say that it was in vain for us to trust to the temporary prosperity of the colonies and the efforts of the planters to maintain cultivation; because when prices fell in this country, as they must do, the sources of the wages of the labourer would be dried up, and the existing prosperity would no longer continue.

Mr. *Wakley* considered this proposal as a means of reviving, under another name, the odious traffic in slaves; and he, therefore, hoped the House would not proceed another step with these clauses until the noble Lord stated precisely what his plan was with respect to the introduction of these labourers into the Mauritius.

Sir *C. Grey* considered the introduction of the clauses perfectly legitimate and necessary. From his own knowledge he could say that these Hill Coolies were a peaceable and well-disposed race, and if the Government in India would lend its co-operation, and these Coolies were made acquainted with the fact that there was a place where they would be employed and well treated, there would be no difficulty in carrying out the plan, without any approach to coercive measures.

The House divided: Ayes 79; Noes 44; Majority 35.

List of the AYES.

Adam, Adm.
Ainsworth, P.
Alston, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Brodie, W. B
Brownrigg, S,
Buller, C.
Buller, Sir J. Y.
Burroughes, H.
Clay, W.
Collier, J.
Cowper, hon. W. F.
Cresswell, C.
Dalmeny, Lord
Dundas, D.
Elliot, hon. J. E.
Euston, Earl of
Fort, J.
Gladstone, W. E.
Gordon, R.
Greene, T.
Greg, R. H.
Grey, rt. hon. Sir G.
Grey, rt. hon Sir G.
Hawkins, J. H.
Hobhouse, right hon.
  Sir J.
Hodgson, R.
Hope, hon. C.
Hoskins, K.
Howard, Sir R.
Hurt, F.
Hurt, W.
Irving, J.
Labouchere, rt. hn. H.
Macauley, rt. hn. T.B.
Marshall, W.
Marshland, H.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Muskett, G. A.
Nagle, Sir R.
O'Ferrall, R. M.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Patten, J. W.
Pigot, D. R.
Pryme, G. R.
Pryse, P.
Pusey, P.
Rawdon, Col.
Rich, H.
Russell, rt. hn. Lord J.
Rutherfurd, rt. hn. A.
Seymour, Lord
Sheil, right hon. R. L.
Smith, J. A.
Smith, B.
Smith, R. V.
Stock, Dr.
Strutt, E.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Troubridge, Sir E. T.
Tufnell, H.
White, A.
Wilde, Sir T.
Williams, W. A.
Wilshere, W.
Woodhouse, E.
Wyse, T.

TELLERS.

Stanley, hon. E. J.
Parker, J.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Bailey, J.
Bailey, J. jun.
Baines, E.
Baldwin, C. B.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bruges, W. H. L.
Bryan, G.
Busfeild, W.
Darby, G.
Doughlas, Sir C.
Du Pre, G.
Ewart, W.
Hawes, B.
Hindley, C.
Hughes, W. B.
Jackson, Serg.
Jervis, S.
Lushington, C.
Lushington, rt. hn. S.
Mackenzie, W. F.
Mackinnon, W.
Oswald, J.
Phillips, M.
Praed, W. T.
Protheroe, E.
Roche, E. B.
Round, C. G.
Round, J.
Scholefield, J.
Sheppard, T.
Somerville, Sir W. M.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Villiers, hon. C.
Wakley, T.
Wilmot, Sir J. E.
Wood, B.
Worsley, Lord
Yates, J. A.

TELLERS.

O'Connell, D.
Warburton, H.

Instruction agreed to. House in Committee.

The clauses of the bill were agreed to, and the new clauses brought up, read a first and second time, and added to the bill.

The House resumed, bill to be reported.

HOUSE OF LORDS,

Friday, June 5, 1840.

Minutes.] Petitions presented. By the Marquess of Breadalbane, Lord Hatherton, and Lord Hawarden, from Derby, Chester, Tipperary, and other places, for a Repeal of the Corn-laws.—By Lord Seagrave, from Stroud, against Church Rates, for Medical Reform, and the Small Pox Innoculation Prevention Act.—By the Archbishop of Canterbury, from Southampton, in favour of the Better Observance of the Sabbath.—By the Bishop of London, from Chelsea, Islingston, etc., against Sunday Trading.

Mr. Feargus O'Connor.] Lord *Denman* presented a petition signed by the Chairman of a public meeting which took place at Leeds, praying for a free pardon for Feargus O'Connor in consideration of the sufferings he had endured since his imprisonment in York Castle.

The Marquess of *Normanby* would take this opportunity of giving some further explanation upon the subject of Mr. O'Connor's imprisonment, in reference to which he had been almost in daily communication with the visiting magistrates of York Castle. He had received in reply to the various questions he had addressed to them a letter from Mr. Barnard Hague, chairman of the visiting magistrates, dated June 1, from which he would read the following extract—

> "Mr. Feargus O'Connor is not subjected to any indignities of the person. He does not take his chamber utensil up stairs, or bring it down to clean it out. He does not scour out his room. He does not perform any menial office. He has had sheets offered him to sleep in, and he refused them. He occupies to-night, and will continue to occupy, the best room on the felons' side. He has tea and sugar, without restriction as to quantity, twice a day. He has animal food at dinner, and two glasses of wine. He is shaved daily, and has clean linen and towels when he wishes. There are no beds but those of iron stock and flock beds, of which flock beds he has four. He has a pillow, chair and table. He eats, and has eaten, his meals in his ward by himself, the first day excepted. He has a large yard to exercise in. He has a bed-room and large hospital to himself. He wears his own clothes. He has not had any newspapers. He has not written or received any letters without the inspection of the governor."

He would observe, that the first day was excepted in some respects, and it was perhaps, to that day that Mr. O'Connor alluded in his petition. He had also received a letter stating what relaxations were proposed, but he did not think it would be well to read it. He would state however, that he thought the result would be that Mr. O'Connor would enjoy in York Castle everything that was consistent with the due execution of the sentence of the court, and with that view still further inquiry would be made as to the correctness of his allegations.

Lord *Brougham* thought his noble Friend was very right to make further inquiry. He had seen quite enough of statements and counterstatements to induce him to suspend his opinion until further inquiry should be made upon the subject. Without meaning any disrespect whatever to the magistrates themselves who had given those answers, he thought it would be safer to trust to an impartial inquiry which, it appeared, was about to be instituted.

Petition laid on the Table.

HOUSE OF COMMONS,

Friday, June 5, 1840.

Minutes.] Bills. Read a first time:—Prisons (Scotland).—Read a third time:—Customs Duties.

Petitions presented. By Mr. Hawes, and Mr. Warburton, from Printers and Bookbinders in Manchester, Birmingham, Kendal, Kennington, and others places, against the Copyright Bill.—By Sir R. Inglis, from Sheffield, Leeds, and other places, for Church Extension; from New Brunswick, to support the Colonial Church; from the Clergy of Brighton, against the Ecclesiastical Duties and Revenues Bill; from Parishes in Staffordshire, and Suffolk, against Sunday Trading; and from a Parish in Sussex, against the Irish Municipal Bill.—By Mr. G. Wood, from Surgeons and Physicians of Sheffield, against certain Provisions of the Vaccination Bill; and from places in Lancashire, against the Corn-laws.—By Mr. Pryme, from Dissenters of Cambridge, against Church Rates, and for the Release of John Thorogood; and from Birmingham, in favour of Cracow.—By Mr. Aglionby, from Cummersdale (Cumberland), complaining of the Treatment of Mr. F. O'Connor.—By Lord Ashley, from places in Worcester, and Dorset, for Church Extension.—By Mr. Litton, from Attendants of the British Museum, to inquire into their Salaries.—By the Attorney-general, from the Proprietors of Steam Vessels in Edinburgh, against Pilotage and Light-house Dues.—By Captain W. Gordon, from a place in Aberdeenshire, against the Increase of the Duties on Malt and Spirits; and from Alford, in favour of Lord Aberdeen's Bill.—By Mr. Wakley, from Electors of Ludlow, complaining of Bribery and Treating; from certain Inhabitants of London and Manchester, complaining of the Treatment to which Mr. F. O'Connor, Mr. Vincent, and other persons convicted of Political Offences are at present exposed.—By Colonel Gore Langton, Mr. Williams, Sir H. Parnell, and others, from St. Alban's, Monmouth, Dundee, and other places, complaining of the West India monopoly in the supply of Sugar.—By Mr. Hindley, and Mr. Easthope, from Stalybridge, Leicester, and Ansted, complaining of the Treatment of Mr. Feargus O'Connor.—By Mr. Easthope, from Leicester, against Church Extension.

Registration of Voters. (Ireland.)]

Sir *J. Graham* wished to ask a question of the hon. and learned Gentleman the Solicitor-General for Ireland. About ten days ago the hon. and learned Gentleman had obtained leave to bring in a bill to amend the registration system in Ireland, and he had also notified to the House that he intended to introduce a second bill, to deal with the subject of the new definition of "a beneficial interest," including the direction of an appellate tribunal for the assistant-barristers registering votes in Ireland. He had brought in the first of these bills, but it was not yet printed, though the order had been made. He had also obtained leave to bring in the second bill, but he had not introduced it as yet. He begged to remind the hon. and learned Gentleman of the promise which he had made to him upon that occasion. He (Sir J. Graham) had said that it was most desirable that these bills should both be in the hands of Members before the House was asked to take another step in the bill of his noble Friend the Member for North Lancashire. The hon. and learned Gentleman had given his assurance that both these bills would be in the hands of Members in a few days. Ten days had elapsed but they were not yet forthcoming. One of them might be printed and delivered before Thursday; but unless he presented the second bill either that night or the following day, it was impossible that it could be in the possession of Members on Thursday, when the debate would come on. He wished therefore, to ask the hon. and learned Gentleman, whether to night or to morrow he would present the second bill, for the definition of the beneficial interests.

Mr. *Pigot*, I can't introduce the second bill either to night or to morrow. The first will be ready by Thursday.

Sir J. *Graham* was then to understand that it was not possible upon Thursday next to have the second bill.

Subject dropped.

WAYS AND MEANS—TIMBER DUTIES.] The House having gone into committee of Ways and Means, the *Chancellor of the Exchequer* said, he would state to the committee the course he intended to pursue with respect to the article of timber, which he proposed to except from the five per cent. imposed upon other articles. The hon. Alderman who spoke on a former occasion on that subject had stated that he (the Chancellor of the Exchequer) had given no adequate reason for such a course. He thought that he had stated to the House that, after the proposition he had formerly made with regard to these duties had been made public, he obtained information from parties who were competent to give him the fullest information upon the subject, and upon whose opinion he could rely, that an increasing differential duty upon timber would have a very great influence upon the trade by reason of the very close competition which existed in that trade; that a slight increase would displace much of the Baltic timber, and would be the means of introducing colonial timber; and he thought also that he had stated that those who gave him such information represented to him that if such an increase did take place, that so far from his obtaining an increase of revenue by that means, that is, by displacing timber upon which a high duty was paid, and replacing it by timber upon which a low duty was paid, he would, in fact, obtain a reduction of duty to a very considerable amount. When that statement was made to him he felt it his duty after having obtained his information from, and being influenced by the opinions of, capable and impartial persons, who assisted him in the consideration of the question, and after devoting the best attention he could himself give to the question, and feeling also that the result contemplated would certainly take place, that the effect would be in some cases about one-twelfth increase, and in other cases one sixth, upon Baltic timber, and that the inevitable result would be a diminution of the revenue, he felt it his duty to make that alteration with regard to the timber duty which he would immediately develope to the House. The object he had in view undoubtedly was to obtain additional revenue: and it was his duty also to get that increase so as not to affect the consumption of the article; and if he found that so far from the article producing the revenue which he expected, and that, in fact, he should obtain less, he felt it incumbent upon him not to adhere to any rule or regulation he had previously made, or to any decision previously adopted, to come down to the House and to state that he had proposed a plan which would not accomplish the objects that were intended. Among other reasons which had induced him to alter the proposition he had made, was a feeling that a great differential duty already existed between the Baltic and Canada timber, and that if he were to increase that difference, and that from such an increase the result would be a great injury to one class of those engaged in the timber trade at the expense of the other—that, so far as regarded the colonial interests, great injury would arise, that certain parties would inevitably suffer, that they would press the complaints upon the public and upon the House, and seek an alteration in the amount of the duty. It was for these reasons, which were political reasons, that he considered the proposition anew. Under these circumstances, when he came to the decision he had then arrived at, he stated to the House that he gave up the five per cent. duty upon timber, and would make that article a separate question for two reasons; first, he obtained an equal amount of revenue from timber as he expected before; secondly, he obtained that revenue in the shape of duty upon two articles of consumption in an equal proportion. This was his plan. In the first place, he found there was a long list of small articles, such as cutting-boards for shoemaker's occupying two or three pages in the list, which produced a very small revenue. He did not intend to propose any alteration in the duty on these articles. It was the great articles on which the duty was to be collected, which were known by the names of timbers, deals, and battens. The whole amount of the duty collected on timber was 1,602,000*l*., and of this the amount collected on timber, deals, deal-ends, battens, and batten-ends amounted to 1,465.000*l*. He, therefore, proposed not to interfere with the small articles, but with the large ones alone, from which the whole revenue was collected. He proposed to levy an additional duty of 1*s*. 6*d*. per load on all timber imported whether from Canada or the Baltic, and, taking that as a principle, he should adapt it to the different relations of timber imported. He should adapt that principle to the additional duty on deals and deal ends. Gentlemen who were conversant with the trade were perfectly aware that these terms were used to signify different lengths and dimensions of timber. The resolution which he should put into the hands of the Chairman, would render it unnecessary for him to go at length into the details of the bill. In the first place he proposed an additional duty on timber of 1*s*. 6*d*. per load, and an additional duty of 7*s*. 6*d*. upon battens, and upon batten-ends an additional duty of 3*s*., and an additional duty upon deals of the first class 1*s*. 6*d*. The other different duties would be according to the quality of the article. The resolution he had to submit to the committee would state the duties proposed, and the bill would contain the additional rate of charge upon the different articles. The right hon. Gentleman concluded by moving,

"That, towards raising the supply granted to her Majesty, there shall be raised, levied, collected, and paid, an additional duty of customs not exceeding the following amounts, on the timber, wood, and wood goods, after specified, in lieu of the duty imposed on all descriptions of timber, wood, and wood goods, by an act of the present Session of Parliament; that is to say, on timber, wood, and wood goods, now chargeable by the load, containing fifty cubic feet, an additional duty the load, of 1*s*. 6*d*.; on battens and batten ends, deals and deal ends, an additional duty equal in amount to the sum of 1*s*. 6*d*. upon each load of timber contained in 120 of such battens, batten-ends, deals, and deal ends respectively.

Mr. Alderman *Thompson* said that, without entering into the question of the policy of the differential duties, he was not able to see why any exception should be made in the case of timber. He could not understand why, if differential duties were continued, they should not equally apply to sugar, coffee, and oils. Purchases of timber had been made by parties under the impression that the duties would remain the same as they had formerly been, and a new scale of duties would lead to great inconvenience. He therefore objected to the plan of the right hon. Gentleman, the Chancellor of the Exchequer.

Mr. *Labouchere* said that the hon. Member for Sunderland had not appreciated the arguments of his right hon. Friend at their just value. His right hon. Friend had stated, that, to his former proposition, as to the duties on colonial and foreign timber, there was both a financial objection and a commercial objection; a financial objection, inasmuch as the augmentation of the rate of duty might, as it frequently happened, be attended with a less amount of duty received in the aggregate; a commercial objection, founded upon the consideration that the duties upon Baltic timber were already enormous. Its consequent high price was very prejudicial to the builder, and to the permanency of our structures and buildings here; and no one, therefore, would desire any augmentation in the duties upon the import of that finer description of timber. He had lately seen several intelligent persons interested in the timber trade, and from them he had learned that the proposition of his right hon. Friend would be acquiesced in by the dealers in that article. So far from there being anything intricate in the proposed increase of duties, the principle was quite simple, and was applicable to all timber, whether introduced from Canada or from the Baltic.

Mr. *Warburton* concurred in the opinion of the right hon. Gentleman, that already the amount of the differential duties upon Baltic timber, exceeding, as it did, 45*s.* per load above the duty on our own colonial timber, was excessive, and felt to be prejudicial in respect to the construction of our buildings. This was a great mistake in a commercial point of view, and did not now admit easily of a remedy. The proposition of the Chancellor of the Exchequer would be seen to continue the same preference given to our own colonial produce, and would place the trade in these sorts of timber exactly upon the same footing as it had stood for a long period of time.

Mr. *Hutt* believed that the remarks which had fallen from the hon. Member for Sunderland would not be coincided in by his constituents. The proposition of the Chancellor of the Exchequer met with his approbation.

Mr. *Villiers* would not let the Session pass without bringing the whole subject of the timber duties before the House. He considered the question was left perfectly open by the arrangement proposed—that the differential duties were as objectionable as they were before—and that the same arguments remained against them as before. The case of those who wished to have the duties altered was, that the present system was a waste of the resources of the country; and the hon. Alderman and his colleague might be assured that he would give them an opportunity of establishing their position, that the system they contended for was of advantage to the colonial and the shipping interests.

Resolution agreed to.

The House resumed, resolution reported.

Supply — Miscellaneous Estimates.] The House in committee of supply on the Irish and Scotch Miscellaneous Estimates.

Several votes were agreed to.

On the question that 76,300*l.* for law expenses, grants to the Scottish Universities, and other charges formerly paid out of the hereditary revenues of the Crown, and not provided for out of the Consolidated Fund,

Sir *James Graham* begged to inquire of the hon. Gentleman opposite, what course was intended to be adopted with regard to a vote of 800*l.* recommended by the committee of last year, to be placed in the hands of a university court, to be established for the purpose of its distribution? He did not find that there was any mention of it in the estimates.

Mr. *Fox Maule* said that if the right hon. Baronet would refer once again to the estimates, he would find that they contained a proposition for a grant of 800*l.*, in lieu of the lease of rents of the archbishopric of Glasgow. All the objects of this vote were set out with the exception of one, which was the establishment of a chair for civil engineering and mechanics. He thought that the importance of this vote would be universally admitted at the present time, and that a sufficient ground of the grant being rather large would be found to exist in the circumstance that the persons who were to be benefited being generally of small means, they could not afford to pay expensive fees. With regard to the disposition of the vote alluded to by the right hon. Baronet, there was no university court yet established, and it was thought best to place the funds in the hands of the Government, with a view to its proper distribution.

Sir *J. Graham* did not mean to dispute the propriety of establishing the proposed professorship; but after the explanation of the hon. Under-secretary, it was clear that the appropriation of the fund was not in conformity with the recommendation of the commissioners, nor was it in conformity with former grants. What he wished to know from the hon. Under-secretary was, whether the appropriation of the sum mentioned in the vote was made in conformity with the recommendation of the commissioners? He thought it was not.

Mr. *F. Maule* remarked that although there was every wish to conform to the recommendation of the commissioners, he did not consider that the Government were bound by the report of the commission, if they should think it necessary to make a different appropriation of this grant. The recommendation of the commissioners was, that the grant should be continued, and placed on the same footing as the surplus revenues of the university, to be distributed in the manner most conducive to the objects of the institution. It was true that the commissioners had further recommended that this grant should be left in the hands of the University Court for distribution, but that court was not in existence.

Sir *J. Graham* observed that the chief recommendation of the commissioners was the establishment of the University Court, in which the heads of the universities would have voices, and would dispose of the money in a manner most conducive to the interests of the university. That recommendation, however, the Government had not adopted, and in the absence of the University Court they took upon themselves the distribution of the grant. And the House was called upon to agree to the vote in the absence of all information upon the subject.

Mr. *Gillon* was sure the Government would exercise a strict supervision in the distribution of this fund. He thought it was most important that this professorship of engineering and mechanics, which would so essentially contribute to the improvement of those working classes who were not in a condition to pay high fees, should be established.

Vote agreed to.

The *Chancellor of the Exchequer* said he would not go any further into the items of supply at present, and would postpone further proceedings until the bringing up of the report on Thursday.

Colonel *Sibthorp* expressed his surprise that so much money should be voted in so short a time. He had just gone to take some refreshment, and on his return he found that above 300,000*l.* had been voted away in his absence, short as it was. He would certainly oppose these grants when the report was brought up on Thursday. He saw that the noble Lord, the Secretary for Ireland, had also only just come in like himself; in fact, nobody expected such a mass of business to be gone into except those who were in the secret of the juggling policy pursued by the Government.

Mr. Sergeant *Jackson* complained that an undue advantage had been taken of the Irish Members on this occasion. He was only absent ten minutes, and found that a sum of 300,000*l.* had been voted away without opposition. This business had not been expected to be gone into on Friday at such an early hour, as the state of the benches on both sides proved. There were scarcely Members to form a House. When serious questions on Protestant education were brought forward, he had wished to have had an opportunity of expressing his opinions on the outlay of 50,000*l.* But he perceived the noble Lord, the Secretary for Ireland, had the same misfortune as himself—a misfortune in which, indeed, almost all the Irish Members shared, for there were only six or eight of them in the House—and even the seat of the hon. Member for Kilkenny was vacant, whom he expected on his return to find speaking. He was sure he was absent only ten minutes. He would certainly take the opportunity of expressing his opinions very fully on the subject of Irish education on the bringing up the report. It was his intention to bring under the notice of the Legislature, at an early period in the next Session of Parliament, the system of education pursued in the College of Maynooth.

Mr. *J. Grattan* also complained that the Irish estimates had been carried through in the absence of Irish Members.

Sir *R. Bateson* expressed himself to a similar effect. Three hundred petitions had been presented during the Session against the grant to the College of Maynooth. That fact alone was sufficient to demonstrate that the vote was one that ought not to be passed as a matter of course. He should state his views upon the point when the report was brought up. It was also his intention to move for a select committee for the purpose of considering the existing system of education at Maynooth.

Lord *J. Russell* said, that the manner in which the estimates had been proceeded with was perfectly regular. Friday was the regular day, and the House resolved itself into a committee of supply at six or half-past six o'clock. Surely hon. Members opposite would not expect any set of Ministers to create and to maintain a debate upon the estimates which they themselves brought forward. With respect to the sitting of the House to-morrow, he wished to observe that it was merely intended to proceed with one bill (the Irish Grand Jury Cess Bill), for which the Lords were waiting.

Colonel *Sibthorp* said that he supposed that the noble Lord opposite, being at Almack's, or some other fashionable place, could not be present whilst the Irish estimates were brought on, though he thought it was the duty of the noble Lord to be present, holding the lucrative and overpaid office which he did; and he should certainly propose that the noble Lord's salary should be reduced from 5,500*l.* to 4,000*l.*

Viscount *Morpeth* was sorry that he had not been in his place when the Irish estimates were brought on; but, as they had passed off so smoothly, his regret was diminished; and, knowing that the hon. and gallant Member had often expressed his intention of moving the reduction of his salary, it might be a matter of delicacy with him not to be present on the occasion, and so to avoid the necessity of voting on that subject.

Mr. *Darby* said he must admit the perfect regularity of the proceedings. He had come down with the intention of making some objection to certain parts of the estimates; but, seeing the state of the House on his side, he could not do so.

House resumed.

HOUSE OF LORDS,

Saturday, June 6, 1840.

MINUTES.] Bills. Read a first time:—Grand Jury Cess (Ireland); Customs Duties.

HOUSE OF COMMONS,

Saturday, June 6, 1840.

MINUTES.] Bills. Read a first time:—Entailed Estates (Scotland); Qualification of Voters (Ireland).—Read a third time:—Grand Jury Cess (Ireland).

Petitions presented. By Mr. Elliot, from Roxburghshire, for the Abolition of Church Rates.—By Mr. Godson, from Grocers of Kidderminster, for an Equalisation of the Duties upon Sugar.—By Viscount Morpeth, from Doncaster, against the traffic in Opium; and from Halesbury, Somersetshire, and other places, for the Abolition of Church Rates.

BUSINESS—ADJOURNMENT.] Viscount *Morpeth* having moved, that the House at its rising do adjourn to Wednesday, the 10th of June,

Sir *George Sinclair* said, he believed that a true bill had been found against this House by the grand jury of the British nation, in reference to the slow and slovenly manner in which the business of the country was carried on. Of the counts comprehended in the indictment, which were very numerous, he should only specify a few. The first was, the number of regular holydays which occurred in the Parliamentary calendar; the second, that it was so often impossible, especially when the weather was favourable for equestrian exercise, to muster a quorum at four o'clock; the third, that the House was so often counted out at the trying hour, when patriots and statesmen must make their option between their dinner and the debate —an hour at which no bill, however momentous, (not even, I believe, the Bill of Rights), could stand in competition with the bill of fare; the fourth, and not least grave accusation, was levelled against the preposterous practice of adjourning debates, which was not only a great but a growing nuisance, and ought, by common consent, to be abolished. On this subject, he was a radical reformer, and altogether opposed to partial, or bit by bit legislation. It was impracticable to classify or draw an arbitrary line of distinction between different subjects, as Gentlemen would naturally form different estimates as to their relative interest and importance, and he therefore thought there should be a standing order for putting a stop to so serious an evil. The House, at the commencement of every Session, seemed disposed to deal with the public time as a spendthrift does with a large fortune, of which he has unexpectedly come into possession. He acts as if he thought such a mine of wealth was inexhaustible, and throws his money away to the right hand and to the left, on trifles light as air, without keeping any account of his disbursements. But when the ominous period arrives at which creditors have long bills, and debtors long faces, he discovers, with equal mortification and surprise, that he can scarcely scrape together as much cash as will purchase the necessaries of life. It was thus that they at first consumed many days, weeks, and months, on protracted debates by adjournment, on motions designed to lead to nothing, and on bills intended to be withdrawn, and when the season of prorogation was near at hand, they could scarcely command as much time, or collect as many Members, as were necessary for expediting indipensable business, before they were summoned to receive her Majesty's thanks for having so liberally provided the supplies for the current year. I have also (said the hon. Baronet) been at all times an ardent repealer, as far as nocturnal legislation is concerned, but I despair of seeing that anomalous course discontinued, until a parliament is convened on College-green. Whilst, however, I am anxious to avoid the Scylla of adjourned debates, I am not less desirous, if possible, to keep clear of the Charybdis of late hours, and I may perhaps be allowed most respectfully to observe, that this is an evil which is mainly owing to our most distinguished statesmen, and which they, at any time, have it in their power to cure. If they would only adopt the salutary practice of early rising—by which I mean, as far as they are concerned, rising early in the debate,—if they would commence their harangues at 5 p.m., instead of concluding them at 5 a.m., they would be listened to with more satisfaction, and reported with greater accuracy. The second or third-rate debaters, "who think of convincing, whilst leaders are dining," would be glad (if I may judge from my own feelings) to sacrifice the chance of celebrity for the certainty of sleep. All orators ought to remember, that when they compel their reluctant colleagues to sit up at unreasonable hours, they may be said, in a figurative sense, to be acting the part of undertakers, and are virtually driving nails into the coffins of many an infirm and aged auditor. I believe, that if the causes which occasioned the premature death of many an useful and amiable Member of Parliament were impartially inquired into, it would be found that each of them had died by the visitation of late hours and long speeches, and a verdict of wilful murder, or at least of culpable homicide, against Joseph Hume, and others would be returned. I shall take an opportunity, after the recess, to invite the attention of the House more fully to this subject.

Motion for the adjournment agreed to.

HOUSE OF COMMONS,

Wednesday, June 10, 1840.

MINUTES.] Bills. Read a second time:—Timber Ships; Poor Clergy Maintenance; Loan Societies.

Petitions presented. By Sir G. Strickland, Mr. Sergeant Talfourd, Mr. T. Duncombe, and others, from Leith, Dundee, Merthyr Dydvil, and various other places, for Mitigation of the Sentence passed on Feargus O'Connor. —By Sir F. Burdett, from Inhabitants of Wilts, for a General Amnesty for Political Offences.—By Mr. A. White, from the Mayor and Magistrates of Sunderland, for increased powers to compel the Attendance of Witnesses.—By Mr. Godson, and Mr. Liddell, from the Vicar Choral of Lichfield, and Durham, against the Ecclesiastical Duties and Revenues Bill.—By Sir J. Graham, from places in Durham, for Church Extension; and from Lincolnshire, against the Importation of Hill Coolies into the Mauritius.—By Mr. Pakington, from Southampton, against the Law for the Sale of Beer.—By Mr. Sergeant Jackson, from Meath, for Lord Stanley's Bill for Amending the Registration of Voters in Ireland.—By Mr. R. Curry, from Northampton, against Church Rates. —By Sir G. Strickland, from Long Preston, for a Total Abolition of Church Rates; and from Operatives in Mills, &c., in the West Riding of Yorkshire, for a Repeal of the Corn-laws. —By Lord Ingestrie, from inhabitants of Greenwood, that the Grammar Schools Bill might pass into a Law; from Wolverhampton, Sudbury, and various other places, against the Desecration of the Sabbath by the Canal Boatmen; and from Wolverhampton, against any further Grant to the College of Maynooth.—By the Attorney-general, from Edinburgh, to exclude that city from the Scotch Borough Bill.—By Mr. Hawes, from a Meeting in Fetter-lane, and from various places in Suffolk, against Church Extension.—By Mr. Loch, from Fishermen of Dundee, and various places in Caithness, and Ross-shire, that Foreign Vessels might not be allowed to Fish within three miles of the coast of Scotland.—By Sir C. D. Norreys, from Grocers of Mallow, to admit Free labour Sugar on the payment of a reasonable Duty.

COMMERCIAL TREATY WITH FRANCE.] Mr. *Mackinnon* wished to ask the right hon. Gentleman, the President of the Board of Trade, whether or not the reduction in the duty on the wines of France, forming part of the arrangements in the pending negotiations for a commercial treaty with that country, was to be extended also to the wines of Portugal, Spain, Sicily, and the Rhenish provinces, as well as in a proportionate degree to those of our own colony, the Cape of Good Hope; whether, in the conclusion of a treaty with France, involving in public opinion, amongst other important considerations affecting our commercial interests, a loss to the revenue to an amount considerably exceeding half a million sterling, instead of the smaller sum indicated by the Chancellor of the Exchequer in opening his budget—whether, in the conclusion of such a treaty, the Government would act upon their own responsibility, or call upon Parliament for a preliminary decision on the policy of the measure?

Mr. *Labouchere* must decline, in the present state of the negotiation, to give any information as to what proposals had been made on the part of the British Government. At the same time he would say, that it would be extremely impolitic to give any one foreign country an advantage with regard to the importation of their wines into England, over other foreign countries. No treaty into which they might enter with France would debar them from conceding the same advantage to other countries.

Seduction.] Mr. *Miles,* in moving the Order of the Day for the second reading of the Seduction Bill, after adverting to the proceedings of the select committee, proceeded to enlarge upon the facilities to seduction, provided by the existing system, and the absolute necessity of supplying a remedy. The question, therefore, was simply this, was nothing to be done for these victims of profligate lust? Were they to see the sisters, wives, and daughters, of their poorer countrymen reduced to a melancholy state of misery and distress, without attempting to do anything to relieve it? Or were they to suffer the unprincipled views of the seducer to continue successful, and from the difficulty of carrying the present law into execution, and from the fear of reverting to all the evils of the old system, to be deterred from all further efforts of legislation upon this subject? Had there been, he would ask, no increase of bastardy since the passing of the New Poor-law? It was recorded by the New Poor-law Commissioners in their first annual report, that the illegitimate births were to the legitimate in 1830, as one to nineteen. He had an account in his hand of the legitimate and illegitimate births in the three years previous to the 31st of December, 1834, and in the three years subsequent to it. That account comprised the returns from ten counties in the south of England, and from the ten counties which were first divided into unions. In those counties had bastardy increased or diminished? It appeared, that in the three years immediately preceding that in which the Poor-law Amendment Act was passed, there were 8,579 illegitimate births, and in the last three years 9,048. These returns were from 3,835 parishes. It was true, that they were nearly all rural parishes; but had the result been different in the the great manufacturing districts? He had the authority of one of the most able and intelligent of the assistant Poor-law commissioners for stating, that in the West Riding of Yorkshire and in Lancashire bastardy had greatly increased since the passing of the New Poor-law. He had also another return, which, though partial, he thought necessary to bring under the notice of the House—it was a return from the Wincanton district. He had inquired whether there had been any peculiar mortality in that district, and had been informed that there had not. Now, he found that in the Wincanton division for half a year there had been 500 births. In this number there were fifty-nine bastards. Of infants which had died under two years of age there were seventy-nine; of this number twenty-five were bastards. A return like that ought to induce the House to pause, if not to desist altogether from its present course. He had been in hopes of obtaining a similar return from every district in England. He had applied for it to the noble Secretary for the Home Department, who had been kind enough to promise that he would procure him that return, if the registrar-general were able to afford it. He had since been informed, that the information which he wanted could not be procured. If he had been able to obtain it he had no doubt, that the general return from the whole kingdom would have borne out the return he had just read from the Wincanton district. He thought, that the returns which he had just read to the House were sufficient proofs of the increase of bastardy since the New Poor-law came into operation. It was also notorious, that it was not till they were in the last stage of destitution, that the mothers of these bastards sought for refuge in the workhouse. He held in his hand a table containing the numbers of paupers who had been relieved, with a division of them into classes, at Christmas, 1838, and at Christmas, 1839, respectively. From this table it appeared, that the increase in the number of illegitimate children admitted into the workhouse in the last of those years was one-fifth, and that the increase in admission of the mothers of bastards within the same time was 663, casting an increase of charge to that extent upon the different unions. Did not this prove, that there had been a great abuse either in the administration of the law or in the law itself affecting bastardy? It was impossible, he conceived, for any man to assert, that the law, as it existed at present, was either proper or perfect; and the only question then was, what law ought to be proposed in lieu of it? It was absurd to say, that a civil action would afford redress for the injury thus inflicted on the female part of the population. Unfortunately for England, to the million there was no remedy for the seduction of a daughter, owing to the expense of procuring it, whilst to the rich such a remedy was open if they thought proper to apply for it. Ought such a state of law to continue? He thought not. What, then, was his remedy? The bill then before the House. That bill, though his production, emanated from much higher authority than his own. He had the authority of the Poor Law Commissioners themselves in its favour. In their first general report, they said,

> "We participate in the feelings of detestation of the crime of seduction; but the principle, that poor-law administration should be the administration of relief alone, cannot be departed from by the introduction of anything having a view to punishment, without at the same time creating far greater evils than those which it is intended to repress. Neither can any existing authority for the dispensation of relief be safely considered as properly constituted as a judicatory for the award of private satisfaction for wrongs or for the infliction of punishment. It appears to be commonly overlooked in the complaints on this subject, that for the injury of seduction the courts of law afford a remedy; and to any objection which might be made that this remedy is too costly, or is otherwise out of the reach of the poor, we submit that the proper remedial course of legislation would be to render justice, dispensed by proper judicial functionaries, accessible to the poorest classes of the community."

In that opinion he most fully concurred, and hoped to carry it into effect by means of this bill. He had already alluded to the evidence given by Mr. Power on the increase of bastardy in the West Riding of Yorkshire and Lancashire. The evidence given by that gentleman before the Poor-law Committee, was known to many hon. Members, and when he said, that it was upon that evidence that he had founded this bill, he thought that the House would not deem him guilty of intruding upon it a piece either of idle or theoretic legislation. He had divided the bill into two parts—one relating to seduction when effected under a breach of promise of marriage; the other to seduction when effected by other means. The remedy for the first offence was in the nature of a remedy for breach of contract—the remedy for the second was framed upon the loss of service. In both cases pregnancy must take place before the bill could come into operation. The next question was—"To what tribunal should the adjudication of these offences be referred?" If the bill which was brought in last year for the establishment of county courts had passed into law, and had those courts been presided over, as was intended, by barristers of considerable experience, he should have had no hesitation in placing the civil remedy for this species of injury under the cognizance of those tribunals. But, as he had no hopes of such a measure being passed, he should find the tribunal he wanted in the special sessions of the magistracy. As there was publicity given to their proceedings, and as there was generally on such occasions a full attendance of magistrates, he should provide that there be eight special sessions in the year. Then arose the question of damages, which was a question of some difficulty. If you placed the amount of damages too high, you incurred a double danger—first, the chance of women allowing themselves to be seduced, in expectation of obtaining them; and next, the chance of the magistrates refusing to inflict them out of compassion to the offender. If you placed them too low, then came the danger of the bill proving wholly ineffective. He had therefore limited them to 30*l.*, which the magistrates might award to be paid at once, or spread over six instalments, the whole payable within eighteen months. It was necessary for him to state next, who the persons suing for these damages should be, and to whom when recovered, the damages should go. In those cases where the seduction was effected in consequence of a breach of promise of marriage, the woman would be entitled to sue; but in those cases where the seduction was effected by other means, the father and mother of the woman seduced, or where there was no father and no mother, the master and mistress in whose service she was, should be entitled to sue on her behalf. In the first class of cases, the penalty would go to the woman, and in the second to the parties suing in trust for the bastard. He meant his bill to apply, not to the vicious, but to the unfortunate. He also proposed to give the magistrate leave to judge in the first instance, whether he would hear the case or not. If he was inclined to hear it, then a summons to appear should be delivered to the man at least ten days before the hearing; and, at the hearing he should come forward with all the evidence he had to rebut the charge. He should also enact, that there should be no judgment against the man on the unsupported evidence of the woman. He had now explained to the House the principle of his bill; and if he could only obtain their sanction to it, he would willingly leave the details of it in their hands. Since he had first introduced the bill, he had received so many accounts of the hardships inflicted under the present law that he could not think of wearying the House by reading them. Sorry was he to say it, but the fact was undeniable, that among farmers' sons and domestic servants, seduction was constantly taking place. The consequence was, that too often the woman had no other refuge but the workhouse, and, owing to the want of classification, which prevailed in those places, any woman who once entered it, must come out demoralized. After some other observations, which the noise in the House rendered inaudible, the hon. Member concluded by moving that the bill be then read a second time.

The *Attorney-General* rose to oppose the motion. The bill introduced a novel principle into our legislation, and that, too, a principle of great danger. He would not now enter into a contest with the hon. Member opposite, as to whether the seduction clauses of the Poor Law Amendment Act, had had a good or a bad effect: he would only say, that from all he had heard, he believed, they had had a very good effect, and that seduction was much less common than it had been previous to the passing of that act. He would also add, that he thought the proposed system would occasion a much greater amount of seduction than had been ever before known. He would now point out the details of the bill. For the first time in the legislation of this country, there was to be a compensation purely for the loss of chastity, and for the first time for a great many years, the want of chastity was to be made a crime. At one time fornication had been a crime by law, but that had been found to be so inconvenient, that the law was rarely enforced. The bill of the hon. Gentleman said, that any woman who should be seduced by promise of marriage, might go before a justice of peace, who was to summon the supposed seducer before the petty sessions, in order that they might hear the complaint. What a wide door this would open to vice and fraud! In the first place, women would be much less careful of their chastity than they would be if they did not trust to such a resource as the bill would give them. Then a woman, however false her story might be, would go before the petty sessions, where a penalty of 30*l.* might be awarded to her. The hon. Member, had, however, introduced a proviso, which would nullify the remedy he wished to give in cases of real injustice. Evidence must be brought that the woman had been seduced under promise of marriage; therefore the bill would not apply in any case except where a man had made a promise of marriage *coram testibus*, and afterwards seduced the woman. If the 30*l.* were not paid, the man was to go to gaol for a period of six months. He (the Attorney-General) was very much adverse to the establishment of such a law, and he should therefore move that the bill be read a second time that day six months.

Mr. *Benett* thought something should be done to repress indiscriminate seduction; and that some protection should be afforded to the female which the present law did not give her. Under the state of the law which until lately existed, the man who seduced a woman was bound to support her child if she had one, and this led to some degree of circumspection on his part. Under the present law there was no protection for the female sex; and he thought that some attempt should be made to remedy this evil. With regard to seductions under promise of marriage there might certainly be some difficulty in proving such a case. But in many instances it might be done. For instance, it very frequently happened that a man seduced a woman after having as a blind published the banns of marriage, and in such a case there could be no difficulty on the score of evidence. With respect to the bill now before the House, though he (Mr. Benett) did not approve of much of it in detail, he should mark his approval of its principles by voting for the second reading.

Mr. *Slaney* believed the new poor-law had operated as a great protection to females by removing those temptations which formerly existed for consenting to the improper addresses of men. He thought, however, that something should yet be done to give further protection to women seduced under promise of marriage, which was proposed to be done by this bill. He did not approve, however, of giving the woman 30*l.* damages for the loss of her chastity, which he feared would too often operate as a temptation to yield to seduction. He thought that it would be more proper that the money recovered against the man should be paid to the poor-rates, or some fund for the maintenance of the child.

Mr. *Miles*, in reply said, that all he wanted was that the House should approve of the principle upon which his bill was founded, and then, being well aware of the great difficulties by which the subject was surrounded, he should be very happy to resign it into the abler hands of the Attorney-General.

Mr. *Villiers* said, that if the hon. Gentleman's bill had in view to render justice accessible to the poor, he would give it his ready assent; and he admitted in this case that it was an enormous evil that poor women should have no redress if they really had endured a wrong; but the hon. Gentleman had not by his bill solved the real difficulty in the case, which was a competent tribunal before whom they were to appear and obtain their remedy: he only had proposed by this bill to give fresh powers to the gentry who were the local magistrates, and which it would do in a material degree, and he thought in this case, where the sons, or the servants, or the dependants of the magistracy might be the parties whose cases they would have to decide, that the objections which did exist at present to the magistracy, namely, that their judgments might be biassed by their local interests or their local prejudices, would apply in a striking degree in this case. Let the hon. Gentleman say that he would support a good system of local courts to provide for a competent administration of justice throughout the country, and he would have his ready concurrence, and he believed that of every person on his side of the House, in any plan for affording any redress which the poor might seek or demand. But he, for one, not having confidence in the country justices, as they were at present appointed, could not consent to extend their powers in this respect.

Mr. *Freshfield* approved of the principles of the bill, and would support the second reading, without, however, expressing any opinion upon its details.

Mr. *Hawes* opposed the bill, because he thought it would in fact legalize seduction on the part of the rich. Any man who could pay 30*l.*, might under this bill seduce at pleasure, and the parents of the unfortunate girl would be excluded from their remedy in a court of law.

The House divided: Ayes 57; Noes 56; Majority 1.

List of the Ayes.

Adare, Lord
Ashley, Lord
Baldwin, C. B.
Baring, H. B.
Barnard, E. G.
Barrington, Viscount
Benett, J.
Blackburn, I.
Bowes, J.
Bramston, T. W.
Burrell, Sir C.
Burroughes, H. N.
Cochrane, Sir T.
Courtenay, P.
Duffield, T.
Dundas, C. W. D.]
East, J. B.
Eastnor, Lord
Egerton, W. T.
Eliot, Lord
Farnham, E. B.
Finch, F.
Fitzroy, hon. H.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, W. E.
Graham, rt. hn. Sir J.
Greene, T.
Harcourt, G. G.
Heathcoat, J.
Hope, hon. C.
Houldsworth, T.
Houstoun, G.
Jackson, Sergeant
Kelburne, Viscount
Knight, H. G.
Lascelles, W. S.
Lennox, Lord A.
Mackenzie, W.
Morris, D.
Northland, Lord
Palmer, G.
Parker, R. T.
Peel, rt. hon. Sir R.
Polhill, F.
Pusey, P.
Richards, R.
Round, C. G.
Sheppard, T.
Slaney, R. A.
Somerset, rt. hn. Lord G.
Sotherton, T. E.
Talfourd, Sergeant
Wilbraham, G.
Winnington, Sir T. E.
Wood, B.
Worsley, Lord

TELLERS.

Miles, W.
Liddell, hon. H. T

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Baring, rt. hon. F. T.
Baring, hon. F.
Baring, hon. W.
Bewes, T.
Bruges, W. H.
Bryan, G.
Buller, C.
Busfield, W.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Clements, Viscount
Clive, E. B.
Corbally, M. E.
Cresswell, C.
Duncombe, T. D.
Evans, W.
Gordon, R.
Grey, rt. hon. Sir C.
Hamilton, C. J. B.
Hector, C. J.
Hobhouse, T. B.
Hughes, W. B.
James, W.
Lennox, Lord G.
Lushington, C.
Maule, hon. F.
Nicholl, J.
O'Ferrall, R.
Paget, F.
Pakington, J. S.
Pattison, J.
Philips, M.
Ponsonby, C. F.
Redington, T. N.
Rutherfurd, rt. hn. A.
Salwey, Col.
Sanford, E. A.
Sheil, rt. hon. R. L.
Smith, J. A.
Smith, B.
Stanley, hon. E.
Strutt, E.
Tufnell, H.
Vigors, N. A.
Wakley, T.
Warburton, H.
White, A.
Williams, W.

Wrightson, W.	TELLERS.
Wyse, T.	Hawes, C.
Young, J.	Villiers, C.

Bill read a second time.

SALE OF BEER BILL (No. 2).] House in committee for the re-consideration of the report on the Sale of Beer Bill.

On the first clause being put, which provides that—

> "Licences to retail beer shall not be granted to any but the real resident occupier, nor in respect of any house rated at less than 15*l.* per annum within the bills of mortality, cities, towns and boroughs containing 10,000 inhabitants; nor less than 11*l.* per annum in cities parishes, or places exceeding 2,500 inhabitants; nor less than 8*l.* per annum in parishes or places situated elsewhere; nor unless poor rates and assessed taxes be previously paid,"

Lord *G. Somerset* said, it was with great regret that he found himself called upon to throw any impediment in the way of the progress of the bill of his hon. Friend; more particularly, as no man was more anxious than himself to put an end to the evils of beer-houses. The proposition of his hon. Friend was, that parties before they should be allowed to open beer-houses, should be in the occupation of houses worth a rental of 15*l.* at least, if situated in London and Westminster, or in cities, towns, or boroughs containing 10,000 inhabitants, whilst in other cases the rental must be 11*l.* in cities, parishes, or places exceeding 2,500 inhabitants, or 8*l.* elsewhere. He (Lord G. Somerset) was opposed to this graduated scale. He apprehended that the object of his hon. Friend was to ensure a certain degree of respectability in these beer-shop keepers in the different districts. Now, he did not see by what criterion the proposition of his hon. Friend could be carried into effect. The proposal was, that in towns having a population of, or exceeding, 10,000 souls, or being within one mile of a polling-place, of a place returning Members to Parliament—that in all these cases persons occupying houses, paying or worth 15*l.* a year, should alone be entitled to be licensed. Now, in the county which he (Lord G. Somerset) represented, there were two parishes only where the population exceeded 10,000. He thought the rental in both these places would be so great as almost entirely to exclude from the operation of the Beer Act any persons who might take out licences. This regulation would include Pontypool, where, perhaps, the 15*l.* would not be too high; but yet he found in the same district a widely-spread population, engaged in the coal and iron trade, where 8*l.* ought to apply; whilst, in Newport, 11*l.* would be the medium. By a return which had been laid before the House, he found that, in the Hereford collection, there were 298 beer-houses under the value of 10*l.* The greatest part of the beer-houses were under the lowest class. In fact, his hon. Friend would not effect the object which he had in view, namely, that of keeping beer-houses out of country districts, by the graduated scale which he proposed to adopt. If he looked to the case of the town of Usk, the principle would not apply. He certainly did not see his way through this matter, because if he were to propose any standard for his own county, other Gentlemen would quickly find that it would not apply to theirs.

Mr. *Hamilton* thought that unless the noble Lord intended to oppose the bill altogether, it would be better to leave the first clause as it stood.

Mr. *Pakington* was extremely sorry to find that the graduated scale did not meet with the approbation of his noble Friend. It appeared to him that the point to be considered was this, whether the House in dealing with the evils of the Beer Act could adopt a property qualification as a remedy or not. Seeing that the principle of a property qualification was distinctly laid down by the Chandos committee in 1834, and had since been recognized by the House both in the last and the present Session of Parliament, he thought he had a right to assume that the imposition of a qualification of that kind afforded the best means of dealing with the evil. Then the question arose as to whether he had adopted a fair graduated scale. He fully admitted the difficulty which arose upon that point, as regarded the value of property; he knew that what applied to one part of the kingdom would not apply to another part; but this was a difficulty inseparable from a property qualification, and applied with equal force to the qualification for the elective franchise as to the qualification for keeping a beer-house. All, therefore, that he could do was to endeavour to form such a scale as would apply with the greatest attainable fairness to all parts of the kingdom. From the information he had been enabled to obtain upon the subject, he believed that the scale he proposed would have that effect; and for that reason he could not consent to any alteration of it. To meet the objection that it would not be fair to deal with vested interests, he had introduced a clause to provide that the bill should not apply to existing beer-houses, and to render its operation entirely prospective.

Mr. *Warburton* suggested that the bill should be allowed to go through committee *pro formâ* in order to afford the hon. Member for Worcester (Mr. Pakington) time to prepare the clauses he proposed to introduce. The House would then have the advantage of knowing what the provisions of the bill really were, and the opportunity of discussing it in a distinct and tangible form.

The *Chancellor of the Exchequer* reminded the hon. Member for Bridport, that the course he recommended had already been acted upon; and that the bill now stood before the House in its amended shape. The right hon. Gentleman proceeded to make some remarks upon the measure, but in so low a tone of voice as to be scarcely audible. We understood him to state that, in his own opinion, he thought the best way of dealing with the subject would be to render the trade in beer as free as possible, and to place the beer-houses under the control of a strict police; but since it was proposed to deal with it by adopting a property qualification, he thought that the provisions of the bill now proposed were, perhaps, as just and fair, and as generally applicable to all parts of the country, as any that could be adopted.

Mr. *Alston* agreed with the general principle of the bill, but he thought the qualification clause, as at present constituted, in particular with reference to the county of Hertford, would have an injurious effect on the beer interest. In justice to his constituents he would not attempt any compromise, and as he doubted whether the originator of the bill would be willing to satisfy him as far as regarded the qualification, he should at once move that the words be expunged.

Mr. *Slaney* said, the alteration in the beer-trade had produced anything rather than a beneficial result. He was, however, most anxious to have a fair qualification, because it would induce small and respectable shopkeepers to enter into the beer-trade. The remedy was not a perfect remedy, but as far as it went he considered it was a good one.

Mr. *Wakley* wanted to know why the bill was to be allowed to pass, if the affair required, as stated by the Chancellor of the Exchequer, an augmented police. The law as it at present stood was as bad as it could be. The labourers were demoralized, and their wives and children were exposed to augmented destitution. The present remedy, though well meant, would not be effectual; and, as the evil was so very great, would it not be better to wait for another year, until such a measure was framed as would meet the evil effectually? What was wanted was a system of police. So said the Chancellor of the Exchequer; but what was wanted most was general education. Seeing, therefore, that even the Chancellor of the Exchequer doubted the efficiency of the present measure, he should, for the reasons he had alleged, support the amendment.

Captain *Pechell* had one objection to the measure, and that was, because the last census was to be the basis of the bill; but as another census was in contemplation, he hoped the hon. Member would pause until the bill for the new census was passed into law.

Mr. *Aglionby* thought a 10*l.* qualification was too high, he should therefore propose to substitute the words "ten pounds" for "eleven pounds."

Mr. *Alston* withdrew his amendment.

On the question that "eleven pounds" stand part of the clause, the Cmmittee divided: Ayes 37; Noes 20: Majority 17.

List of the AYES.

Acland, T. D.
Adare, Viscount
Baring, rt. hon. F. T.
Barnard, E. G.
Benett, J.
Blackburne, I.
Bramston, T. W.
Busfield, W.
Cresswell, C.
Duncombe, hon. W.
Eastnor, Viscount
Egerton, W. T.
Evans, W.
Gladstone, W. E.
Goulburn, rt. hon. H.
Greg, R. H.
Hamilton, C. J. B.
Harcourt, G. G.
Heathcote, Sir W.
Hector, C. J.
Hughes, W. B.
Ingestre, Viscount
Lascelles, hon. W. S.
Nicholl, J.
Palmer, R.
Palmer, G.
Parker, R. T.
Philips, M.
Plumtre, J. P.
Pusey, P.
Richards, R.
Somerset, Lord G
Sotheron, T. E.
Teignmouth, Lord
Vere, Sir C. B.
Wood, Col. T.
Wood, B.

TELLERS.

Pakington, J. S.
Slaney, R.

List of the NOES.

Aglionby, Major
Bewes, T.
Butler, hon. Col.
Dundas, C. W. D.
Greig, D.
Hobhouse, T. B.
Howard, P. H.
James, W.
Morris, D.
Pechell, Captain
Smith, B.
Stock, Dr.
Strickland, Sir G.
Talfourd, Sergeant
Thornely, T.
Vigors, N. A.
Wakley, T.
Warburton, H.
Williams, W.
Worsley, Lord

TELLERS.
Alston, R.
Aglionby, H. A.

Mr. *Alston* moved to substitute the word "five thousand" instead of "two thousand five hundred."

The Committee divided on the question that the words "two thousand five hundred" stand part of the clause: Ayes 40; Noes 22; Majority 18.

Mr. *Alston* then moved the omission of the words "one rating" and proposed the substitution of the words "for any house, premises, or land."

Mr. *Pakington* said he would not depart from the original clause, because the words "one rating" included land.

The committee divided on the question that the original words stand part of the clause—Ayes 34; Noes 22; Majority 12.

Mr. *Alston* then moved to substitute the words "five pounds" instead of "eight pounds," for the rent and annual value of the premises to be rated.

Mr. *Goring* opposed the amendment, and stated that the beer shops in the rural districts were places where many of the greatest crimes had been concocted, and that it was well know to every one that the House had been inundated with petitions, not only from the labourers, but also from their wives and families, praying that the beer-shops might be done away with.

Mr. *Warburton* said that the bill would not put down the beer-shops. The only effect it would have would be that the brewers would advance money to persons wishing to establish beer-houses, and by this means raise the value of the property to 10*l*., an effect quite the reverse of that which the hon. Gentleman opposite anticipated from the measure.

Mr. *Aglionby* supported the amendment, and considered that a well-regulated beer-shop, under a proper police, was a great blessing to its locality. As to beer-shops being the places where it was said so much crime was concocted, he for one did not think that the evidence taken before the committee established that assertion.

Lord *Worsley* said he had voted for the lower rate in the towns, but could not do so for the rural districts, where the beer-shops were the resort of the worst description of characters, where the village constable had no control, and where outrages were concocted which even the new police, where they had been established, were not sufficient to check.

On the question that the original vote stand part of the clause, the committee divided—Ayes 43; Noes 22; Majority 21.

List of the AYES.

Attwood, W.
Baring, rt. hn. F. T.
Barnard, E. G.
Barrington, Viscount
Benett, J.
Bruges, W. H.
Busfeild, W.
Cresswell, C.
Duncombe, hn. W.
Eastnor, Viscount
Egerton, W. T.
Evans, W.
Goulburn, rt. hn. H.
Greg, R. H.
Grimsditch, T.
Harcourt, G. G.
Heathcote, Sir W.
Hector, C. J.
Houldsworth, T.
Hughes, W. B.
Irton, S.
Kelly, F.
Lascelles, hon. W.
Palmer, R.
Palmer, G.
Parker, R. T.
Philips, M.
Plumptre, J. P.
Pusey, P.
Richards, R.
Rickford, W.
Round, C. G.
Scarlett, hon. J. Y.
Slaney, R. A.
Somerset, Lord G.
Sotheron, T. E.
Stewart, J.
Teignmouth, Lord
Vere, Sir C. B.
White, A.
Wood, Col. T.
Wood, B.
Worsley, Lord

TELLERS.
Pakington, J. S.
Goring, H. D.

List of the NOES.

Aglionby, Major
Bewes, T.
Burroughes, H.
Butler, hon. Col.
Greig, D.
Hawes, B.
Hobhouse, T. B.
Howard, P. H.
James, W.
Pechell, Captain
Salwey, Colonel
Smith, B.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Thornley, T.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Williams, W.

TELLERS.
Alston, R.
Aglionby, H. A.

Clause agreed to.

On clause 4, providing that persons to retail beer and cider shall be obliged to produce a certificate from the overseer to the effect that they are the real residents, and stating the amount at which the houses are rated, and of the receipt for poor-rates and assessed taxes,

Mr. *P. Howard* observed, that as this clause proposed an interference with domestic life which was not sanctioned in any part of Europe, he should divide the House against it. There was no man, he hoped, who had any generous feeling of regard for the poor who would not divide with him.

The committee divided on the question that the clause stand part of the bill—Ayes 41; Noes 24: Majority 17.

Clause agreed to.—[Names nearly the same as the foregoing.]

On clause 12, requiring the production of certificates of good character before license be granted,

The *Chancellor of the Exchequer* said, that as he meant to divide on the principle of this clause, he thought it better to propose the omission of the few first words than to allow any discussion of the details. This appeared to him to be the most convenient course. He had strong objections to this clause, because he feared that there would be great difficulty in carrying it into operation in the country parishes. He thought it would be most unwise to place such a discretion, as being able to say no to an application for a licence to open a beer-house, in the hands of either landed proprietors, farmers, or owners of houses rated at 12*l.* a-year; and all he would say was, that if such a power were to be vested in any parties, the magistrates were the persons to whom it should be given. His opinion, however, was, that no good would be attained by the certificate system, and that it would only lead to petty grievances and oppressions, which it was desirable by every possible means to avoid.

Mr. *Darley* thought that if rating at 10*l.* instead of 12*l.* were adopted, the objection to the clause would be diminished.

Mr. *Pakington* did not think that any sufficient reason had been stated to justify him in abandoning the clause.

Mr. *Hawes* said, that as they had a property qualification, he did not see what they wanted with a moral qualification of this kind.

Mr. *Benett* was satisfied that without some means of testing character, such as this clause proposed, a property qualification would be valueless. He should vote for the clause.

Mr. *Goulburn* said that, from experience, he was inclined to attach no importance to certificates of this kind; and therefore, if the House divided, he must vote with the right hon. Gentleman the Chancellor of the Exchequer.

Mr. *R. Alston* knew of at least one parish in Cambridgeshire in which there was but one occupier and one rated inhabitant.

Lord *Granville Somerset* considered the clause of no use whatever; and, as he had not the slightest dependence on the certificate, he would vote for the amendment of the Chancellor of the Exchequer.

Mr. *Warburton* said, in the small parishes in which there was barely a sufficient number of rated inhabitants, the clause would erect a secret tribunal to judge of men's characters, whilst in large parishes the clause would be quite inoperative.

Lord *Worsley* could not agree to a certificate being entirely useless. He thought that it would prevent a man of bad character from obtaining a licence, though he doubted whether 12*l.* was not too high an amount.

Mr. *Slaney* would support the clause, because, though the bill had worked well in large places, yet there were many smaller places in which it was necessary to have some better check upon the keepers of those houses. But he thought it would be better to reduce the number of persons signing the certificate to four, and the rating to 10*l.*

The House divided on the question that the words proposed to be left out stand part of the clause—Ayes 41; Noes 43; Majority 2.

List of the AYES.

Arbuthnott, H.
Attwood, M.
Barrington, Lord
Blackburne, I.
Bramston, T. W.
Brughes, W. H. L.
Burr, H.
Burroughes, H.
Cresswell, C.
Darby, G.
Duffield, T.
Duncombe, W.
Eastnor, Lord
Egerton, W. T.
Goring, H. D.
Grimsditch, T.
Heathcote, Sir W.
Hector, C. J.
Hope, hon. C.
Houston, G.
Hughes, W. B.
Ingham, R.
Lowther, Colonel
Marton, G.
Miles, W.
Palmer, R.
Palmer, G.
Parker, R. T.
Pusey, P.
Richards, R.
Rickford, W.
Round, C. G.
Rushbrooke, R.
Scarlett, hon. J. Y.
Slaney, R. A.
Teignmouth, Lord
Vere, Sir C. B.
Winnington, H.

Wodehouse, E.
Wood, Colonel T.
Worsley, Lord

TELLERS.
Benett, J.
Pakington, J.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Baring, F. T.
Barnard, E. G.
Berkeley, hon. C.
Blake, W. J.
Buller, Sir J. Y.
Busfeild, W.
Dundas, C. W. D.
Elliot, hon. J. E.
Evans, G.
Evans, W.
Gisborne, T.
Goulburn, H.
Greg, R. H.
Hamilton, C. J. B.
Hawkins, J. H.
Heathcoat, J.
Hobhouse, T. B.
Hodgson, R.
Howard, P. H.
Hutchins, E. J.
James, W.
Jervis, J.
Lascelles, W. S.
Marshall, W.
Marsland, H.
Morris, D.
Muskett, G. A.
Peel, Sir R.
Philips, M.
Salwey, Colonel
Somerset, Lord
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Thornely, T.
Villiers, hon. C.
Wakley, T.
Williams, W.
Wood, B.

TELLERS.
Warburton, H.
Hawes, B.

Words struck out and clause rejected.

On clause 15, which regulates the hours of opening and closing beer houses.

Mr. *Pakington* said, that the main principle of the clause went to make the hours for opening and closing the same all over the kingdom, instead of leaving that matter, as formerly, to the discretion of the magistrates. He thought the hour of four o'clock for opening the houses was an unnecessarily early hour, and could be of no convenience to the poorer classes. He would, therefore, suggest that the hour of five o'clock should be named instead. With respect to the regulation for opening on Sundays, it was proposed that no house should be opened on Sundays between the hours of ten o'clock in the morning and one in the afternoon. By the existing law no house could be opened before one o'clock in the afternoon on Sundays, and he should therefore propose that the words ten o'clock should be omitted, and that the houses should not be permitted to open on Sundays before one o'clock, and that they should be closed between the hours of three o'clock and five o'clock in the evening.

Lord G. *Somerset* would rather reject the clause altogether, and leave the law just as it stood now. He objected especially to the time for shutting being dependent on the population in each parish, because adjoining parishes, situated under precisely similar circumstances, except as to population, might have very different hours fixed. He moved the omission of the first words of the clause.

The *Chancellor of the Exchequer* observed that the bill was founded on the recommendations of the committee of 1834, and when they adopted the restrictions recommended by that committee, they must recollect that the committee reported also in favour of equalising the hours for opening and shutting the beer-houses and public houses; if, therefore, they took one part of the recommendations of that committee, and placed restrictions on the sale of beer in beer-houses, they ought to take all parts of the report. There was, however, a difficulty in fixing hours for the closing of public houses against travellers, and the object of the bill was, without interfering with the licensed victuallers, to give as much benefit to the beer-houses as was intended by the committee, with the difference only that there was no necessity of providing for travellers. The House would act unfairly if they took only the restrictive parts of the report of the committee, and gave up the benefits proposed to be conferred on the beer-houses. With respect to the hour of opening, he did not object to five o'clock instead of four.

Mr. *Cresswell* said, the House had not been informed of any mischiefs arising from the present method of leaving the hours to be fixed by the magistrates. And he could not help thinking that the attempt to fix an uniformity of hours for all places would be productive of mischief.

Mr. *Hawes* said, that in Surrey the beer-houses were shut at ten o'clock, whilst just over the other side of the water in Middlesex, the hour was eleven o'clock and this discrepancy had created great dissatisfaction. A distinction between the licensed victuallers and the beer-sellers, arising from the necessity of the former having their houses open at all times to travellers, did exist, and could not be prevented, but the hours for all beer-houses ought to be alike. He would also propose to leave out the words which required the houses to be shut up from three to five on Sundays, during the supposed afternoon service, seeing that those hours varied in different parishes, and frequently in the same parish. His proposal would be to keep all the houses shut till one o'clock on Sundays, and not interfere afterwards.

Mr. *Pakington* found that public-houses were placed under the restriction proposed by the clause, and he thought it best that the practice should be assimilated.

Sir *R. Peel* thought the distinction of districts drawn by the clause was insufficient and defective. The distinction was attempted to be drawn by the number of inhabitants in the parish, but it very frequently happened that a parish containing 2,000 persons was precisely similar in position to one in which there were 10,000*l.*

The *Chancellor of the Exchequer* admitted that the provision was defective, but he thought that this was not the only point in which the bill was defective. There was only a choice of difficulties, of which the least appeared to him to have been selected.

Mr. *J. Jervis* thought it better to define the hours of opening and closing these houses by the precise terms of an Act of Parliament than to leave it open to magistrates of districts to fix different periods for that purpose.

The Committee divided, on the question that the words proposed to be left out stand part of the bill — Ayes 63; Noes 24: Majority 39.

List of the Ayes.

Abercromby, hn. G. R.
Aglionby, H. A.
Aglionby, Major
Alston, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Viscount
Benett, John
Berkeley, hon. C.
Blackburne, I.
Blake, W. J.
Burr, H.
Busfeild, W.
Codrington, C. W.
Currie, R.
Duffield, T.
Duncombe, hon. W.
Eastnor, Viscount
Elliot, hon. J. E.
Evans, W.
Gisborne, T.
Greg, R. H.
Hamilton, C. J. B.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Howard, P. H.
Hughes, W. B.
Ingham, R.
James, W.
Jervis, J.
Lascelles, hon. W. S.
Lowther, hn. Colonel
Marsland, H.
Maule, hon. F.
Miles, W.
Morris, D.
Muskett, G. A.
O'Ferrall, R. M.
Palmer, R.
Palmer, G.
Philips, M.
Plumptre, J. P.
Pusey, P.
Rickford, W.
Round, C. G.
Rushbrooke, Colonel
Rutherfurd, rt hn. A.
Salwey, Colonel
Slaney, R. A.
Smith, B.
Strickland, Sir G.
Talfourd, Serjeant
Teignmouth, Lord
Thornely, T.
Vere, Sir C. B.
Wakley, T. H.
Warburton,
White, A.
Williams, W.
Winnington, H. J.
Wodehouse, E.
Wood, B.
Worsley, Lord

TELLERS.
Pakington, J. S.
Gordon, R.

List of the Noes.

Arbuthnott, hon. H.
Bruges, W. H. L.
Buller, Sir J. Y.
Darby, G.
Dundas, C. W. D.
Egerton, W. T.
Goring, H. D.
Goulburn, rt. hon. H.
Grimsditch, T.
Hawkins, J. H.
Heathcoat, Sir W.
Hodgson, R.
Hope, hon. C.
Kelly, F.
Marshall, W.
Marton, G.
Milnes, R. M.
Nicholl, J.
Parker, R. T.
Peel rt. hon. Sir R.
Scarlett, hon. J. Y.
Strutt, E.
Thompson, Alderman
Wood, Colonel T.

TELLERS.
Somerset, Lord G.
Cresswell, C.

On the clause being again put.

Mr. *Miles* suggested that the magistrates at quarter sessions assembled should have the power confided to them of fixing the hour of closing beer-houses within the district over which they should preside.

Sir *George Strickland* thought that if this suggestion were adopted, the plan would be open to all the objections which had been urged against the system before established, by which jurisdiction was given to magistrates at petty sessions. He saw no reason why eleven o'clock should not be adopted as the hour to be universally observed as that at which beer-houses should be closed.

Mr. *J. Jervis* thought that in London and Westminster the hours might be taken at twelve, and that elsewhere eleven o'clock should be fixed.

Sir *R. Peel* thought great practical inconvenience would arise if the population of parishes were made the criterion by which the hour of closing was decided upon. He thought that the distinction as regarded the hour of closing should be between the towns and the rural districts. The decision as to which should be considered a rural district, and which a town district, might safely be left to the magistrates, with a power to the Secretary of State to review their decision.

Mr. *Elliot* thought one uniform hour of closing would be preferable to the plan of closing in the towns at one hour, and the rural districts at another.

Mr. *Grimsditch* moved an amendment to leave out the words applying the clause to places of which the population exceeded ten thousand.

The committee divided on the question

that the words proposed to be left out stand part of the clause.—Ayes 65; Noes 7: Majority 58.

List of the Noes

Arbuthnott, hon. H.
Bruges, W. H. L.
Buller, Sir J. Y.
Cresswell, C.
Hodgson, R.
Kelly, F.
Scarlett, hon. J. Y.
TELLERS.
Grimsditch, T.
Parker, R.

[We give only the Noes].

On clause 18,

Mr. Wakley moved an amendment to enable the widows of beer-house keepers to continue the business during widowhood.

The committee divided. Ayes 43; Noes 24: Majority 19.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Blake, W. J.
Buller, Sir J. Y.
Busfeild, W.
Campbell, Sir J.
Currie, R.
Dundas, C. W. D.
Evans, W.
Gisborne, T.
Gordon, R.
Greg, R. H.
Grimsditch, T.
Hamilton, C. J. P.
Hawes, B.
Hawkins, J. H.
Hobhouse, T. B.
Howard, P. H.
Ingham, R.
James, W.
Jervis, J.
Jones, J.
Kelly, F.
Marshall, W.
Marsland, H.
Miles, W.
Morris, D.
Muskett, G. A.
Nicholl, J.
Philips, M.
Rice, E. R.
Rushout, G.
Salwey, Colonel
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Thornely, T.
Warburton, H.
Williams, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, B.
TELLERS.
Elliot, hon. J. E.
Wakley, T.

List of the Noes.

Baring, rt. hon. F. T.
Barrington, Viscount
Blackburne, I.
Bruges, W. H.
Burr, H.
Cresswell, C.
Darby, G.
Eastnor, Viscount
Egerton, W. T.
Greene, T.
Heathcote, Sir W.
Hector, C. J.
Hodgson, R.
Holmes, W.
Hughes, W.
Palmer, R.
Palmer, G.
Parker, R. T.
Plumptre, J. P.
Pusey, P.
Scarlett, hon. J. Y.
Sotheron, T. E.
Tufnell, H.
Vere, Sir C. B.
TELLERS.
Pakington, J. S.
Lascelles, hon. W. S.

Mr. *Cresswell* moved the addition of a clause to prohibit the consumption of beer on the premises. There was abundance of evidence to show that the beer-shops were sinks of crime and debauchery. Mr. Thomas gave testimony, also, that they greatly encouraged illicit distillation, whereby in the town of Manchester alone there was a loss to the revenue of 50,000*l.* a-year. He did not propose by this clause to interfere with vested interests, but to restrict its operations perspectively.

Mr. *Pakington* opposed the clause, as he doubted whether, even if it were passed, it would effect the good the hon. and learned Gentleman expected from it. There was no doubt it would be open to a great deal of evasion.

Clause brought up and read a first time.

The committee divided on the question that the clause be read a second time —Ayes 18; Noes 29: Majority 11.

List of the Ayes.

Barrington, Viscount
Blackburne, I.
Burr, H.
Dundas, C. W. D.
Egerton, W.
Greene, T.
Grimsditch, T.
Hodgson R.
Holmes, W.
Hughes, W. B.
Jones, J.
Lascelles, hon W. S.
Nicholl, J.
Palmer, G.
Parker, R. T.
Plumptre, J. P.
Sotheron, T. E.
Vere, Sir C. B.
TELLERS.
Cresswell, C.
Kelly, F.

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Baring, rt. hon. F. T.
Blake, W. J.
Bruges, W. H. L.
Buller, Sir J. Y.
Campbell, Sir J.
Darby, G.
Elliot, hon. J. E.
Evans, W.
Gisborne, T.
Hawes, B.
Hawkins, J. H.
Heathcote, Sir W.
Hobhouse, T. B.
Ingham, R.
Marshall, W.
Morris, D.
Rice, E. R.
Salwey, Colonel
Strutt, E.
Talfourd, Sergeant
Thornely, T.
Tufnell, H.
Wakley, T.
Warburton, H.
Williams, W.
Wood, B.
TELLERS.
Pakington, J. S.
Gordon, R.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Thursday, June 11, 1840.

MINUTES.] Bills. Read a second time:—Grand Jury Cess (Ireland).

Petitions presented. By Lord Langdale, and Lord Ellenborough, from Shrewsbury, Oxford, and various other places, in favour of the Administration of Justice Bill.—By the Duke of Richmond, and the Earl of Falmouth, from places in Essex, Sussex, Elgin, and Somersetshire, in favour of the Corn-laws; and from the Market Gardeners of Fulham, and Chelsea, against the Importation of Foreign Fruit.—By the Duke of Rutland, the Duke of Buckingham, and Lord Fitzgerald, the Earl of Warwick, the Earl of Gosford, and Lord Western, from Ashby-de-la-Zouch, Lutterworth, and other places in Leicestershire, from the Leicestershire Agricultural Society, from Operatives of Leicester, from Warwickshire, and various parts of Ireland, against any Alteration in the Corn-laws.—By the Earl of Kinnaird, and Earl Fitzwilliam, from Staffordshire, Yorkshire, Penryn, Newport, Isle of Wight, Yarmouth, Sheffield, Derby, and other places in England and Scotland, for an Alteration of the Corn-laws.

Attempt to Assassinate Her Majesty—Address.] Viscount *Melbourne* said, My Lords, your Lordships have all, doubtless, heard, with that deep sorrow and concern, with that mingled surprise, horror, and indignation which such an event is calculated to produce, of that with which it is now my duty formally and officially to acquaint you—that a desperate attempt on her Majesty's life was made yesterday evening, as she was proceeding from the palace to the park. Two pistols were fired at her in the most determined and most desperate manner, at no great distance from her person, and it is only matter of wonder that the event was not more unfortunate and melancholy. My Lords, on all former occasions of a similar nature, of which, unfortunately, there are in the recent history of our country but too many examples, it has always been the custom of your Lordships to address the Throne to express the horror which you feel at the attempt which has been made, and to congratulate the Sovereign on the happy and fortunate escape which has taken place. Upon all former occasions such are the precedents; and your Lordships, therefore, I am sure, will not be in the least surprised, that I should seize the earliest opportunity of your Lordships' meeting—without any notice—to call upon your Lordships to follow on this occasion, the usual course. At the same time, I feel that it is unnecessary for me, and that it would be, in some degree, improper to expatiate any further on the circumstances, or upon what might have been the consequences of the unfortunate event which has taken place. This matter is now in course of investigation; it must be matter of judicial inquiry, and under such circumstances, it would ill become either me to address the House, or your Lordships to hear, any observations which could, in the slightest degree, interfere with the calm, the deliberate, the dignified, and impartial course of public justice. I shall, therefore, content myself with moving:—

"That an humble address be presented to her Majesty, to express our horror and indignation at the late atrocious and treasonable attempt against her Majesty's sacred person, and our heartfelt congratulations to her Majesty and the country, on her Majesty's happy preservation from so great a danger, to express our deep concern at there having been found within her Majesty's dominions a person capable of so flagitious an act, and that we make it our earnest prayer to Almighty God, that as he has preserved to us the blessings that we enjoy under her Majesty's just and mild government, he will continue to watch over a life so justly dear to us."

Address agreed to, *nem. con.*

Viscount Melbourne then moved, that it be communicated to the House of Commons in a conference.

The conference was accordingly held, the Address communicated to the Commons, and their concurrence desired.

After a short time Lord John Russell, Sir Robert Peel, Mr. Fox Maule, and other Members of the House of Commons, appeared at the Bar, and

Lord John Russell announced, that the Commons had agreed to the address, and had filled up the blank with the words, "and Commons."

Address to be presented on the next day.

Church of Scotland.] The Earl of Aberdeen postponed until Tuesday next the second reading of the bill relating to the admission of ministers to benefices in Scotland.

The Marquess of *Breadalbane* said, that as this was a subject of great importance, he wished to know from the noble Earl, whether he really meant to press the bill in question. By a letter which he had received that morning from Edinburgh, he was informed, that there was a sort of understanding between an hon. Friend of the noble Earl and an eminent clergyman of the Church of Scotland, to the effect, that the bill in question should not be pressed, if a majority of the Assembly of the Church of Scotland decided against it. Now, a majority of the Assembly had, by vote, come to the resolution that the bill in question was inconsistent with the principles of the Presbyterian Church, and, therefore, he felt bound to ask the noble Earl whether he really meant to press the bill?

The Earl of *Aberdeen* said, he would be quite ready to debate the bill with the noble Marquess on Tuesday. He had already given notice of the second reading for that day, and he was no party to any understanding with any one on the subject.

Motion postponed.

Corn-Laws.] Earl *Fitzwilliam* was quite ready to move the order of the day, but so many whispers had come to his ears that he rather expected that there would have been some proposition to him to postpone the consideration of the subject. He understood some noble Lords were of opinion that it would be more complimentary, and decorous to her Majesty not to proceed under existing circumstances to any other business, after agreeing to the Address. He confessed that, individually he thought they would be paying her Majesty a very bad compliment in supposing that she would desire that any important business should be postponed.

The Marquess of *Londonderry*, suggested to the noble Earl whether, under circumstances so extraordinary, it would not be more decorous to postpone the subject, more especially as all the precedents were in favour of that course?

Earl *Fitzwilliam* really wished only to do that which was most satisfactory to the great mass of their Lordships, and he thought that the general feeling was that he ought not to postpone the subject. His own opinion was, that it would be best to proceed. He gathered, too, that it was the wish of the House that he should at once proceed with the motion of which he had given notice, and he was at all times desirous to comply with that wish, when to do so was in his power and it involved no sacrifice of principle. He was well aware that in approaching this subject, and in bringing it under their Lordships' consideration, he was mooting a question—he would not presume to say upon which their Lordships had made up their minds, although such an assertion had been made, but upon which he thought he might say that much prejudice existed, or on which at least very strong opinions were entertained in a direction opposed to the conclusion which he advocated. But he trusted that upon this occasion, as upon all others, their Lordships would not so much consider the individual who addressed them, as the hundreds, the thousands—nay, he might say the millions, of whom he was the organ. He did not exaggerate when he talked of the millions whom he represented, because he believed that the actual number of petitioners at the bar of Parliament exceeded the number of a million. Nor was it unnatural that their Lordships should be so addressed under the present circumstances. In some of the conversations which had formerly taken place upon this subject, it had been his lot to maintain that the people of England had been for many months suffering from severe privation. He would not say, that that proposition had been denied, but there had been an endeavour at least made to show that he had taken an exaggerated view of the subject. In support of the contradiction given to his statement, reference had been made to the average prices of corn, as returned in the *Gazette*. Those averages, however, did not present to their Lordships a fair view of the prices of bread, corn, or of the rate at which the people of England were fed. It had been the misfortune of this country to have recently experienced two, if not three, bad harvests, but certainly two of them were exceedingly bad. Their Lordships would see that a scarcity might arise from various circumstances—from the crop being bad, although the harvest was good—from the harvest being bad, although the crop should be good—or, lastly, from a combination of the two evils of a bad crop and a bad harvest. The crops of last year were not deficient, but the harvest, their Lordships knew, was unfavourable, and the consequences had been, first, that a very large proportion of bad corn had been introduced into the markets; and, next, that the averages had been brought down far below the point, at which the people of England were supplied with food. The average prices had not been extravagantly high, but had ranged about the prices at which the framers of the present law conceived probable—between 65*s.* and 70*s.* per quarter—during the last winter. Those prices, however, did not at all represent to their Lordships the means which the people of England had had of supplying themselves with food. If their Lordships would turn to any of those periodical papers, in which statements were made as to the prices of corn in the leading markets of this country—he meant markets of consumption, as contradistinguished from those of production, those which provided for the support and sustenance of the great masses of the people of England, such as those of Manchester, Liverpool, Birmingham, and Wakefield, they would find that when the average price had been perhaps about 65*s.* or 68*s.* per quarter for the best corn, he meant that description of corn of which the bread usually consumed was made—the price quoted was as high as from 77*s.* to 80*s.* There had been much greater differences, as would naturally be the case, between the average prices as returned in the *Gazette*, and the highest prices of corn during the last year, than they would ordinarily find. In many years they would find that the highest priced corn was not more than from 5*s.* to 6*s.* above the *Gazette* averages, but during the last year it had ranged at from 10*s.* to 12*s.* above the averages. He dwelt upon the subject, because it had struck him in meeting the question before, that it was one which had not before presented itself to their Lordships' minds in this point of view. It was a curious fact, and one to which it was most desirable that they should pay attention. There had been often a sort of dispute, rather of words than of facts, between him and some other persons, as to what had been the intentions of the Legislature in enacting the Corn-laws. He had sometimes presumed to state, that the design of the Legislature had been to raise the prices of corn, and he had been corrected. He had been told that it was not so; that the Legislature would never do anything so improper, and that their object was not to raise the price of corn, but to regulate it. Now, if that were really true, it did not appear to him that legislators had been remarkably successful in their endeavours. It would be necessary here to revert, not merely to the present state of the law, but to the law for which the present law was substituted; and he must say, that he thought that the present law was an improvement upon that which had before existed, although it was of the same character, and tended in the same direction towards the same point. He begged first to draw their Lordships' attention to the fact, that the present system of Corn-laws was perfectly novel to this country. The elder portion of their Lordships must be aware of that circumstance from their own knowledge and recollection, while the younger portion of their number must have learned it from their reading, and from those sources of information which were open to them. It never before was the system of this country to endeavour to exclude foreign corn, either for the purpose of regulating or of raising the price of corn, he did not care which, from this country until the year 1815. The law of that year, their Lordships knew, was prefaced by a committee of the House of Commons, which sat in the year 1814. The whole gist of the inquiry by that committee was to show, that we could not introduce corn into this country at less than 80*s.* per quarter. The object of the law of 1815, was to secure the English farmer the price of 80*s.* per quarter, and they all knew how that law had been carried into effect or rather how the object sought to be attained had failed. While the law was in its full vigour during the disasters of 1821 and 1822, the prices fell to below 40*s.*, and in those years the great mass of the farmers were ruined, and the landowners themselves were so far involved as to be obliged to reduce their rents. Thus the law itself had been productive of the greatest possible injury to the interests it was designed to protect—the agricultural interests. He was not desirous of troubling their Lordships by reading long extracts, but, lest this should be thought to be a dictum of his own, he begged to read two or three pieces of evidence on this point which had been given before the Committee of the House of Commons in 1836. These pieces of evidence were well worthy of attention, for they came from a class of persons from whom the best and soundest information had always been obtained on agricultural questions—he meant the farmers of the southern part of Scotland. To a witness of the name of Hope, who lived somewhere in the county of Haddington, this question (No. 9,661) was put—

> "Were the money-rents fixed under the operation of the law of 1815?"

His answer was,

> "Yes, under the expectation that the price of wheat would be maintained at something like what the Corn-law proposed."

But the price proposed was not maintained: on the contrary, while the Corn-law proposed 80*s.* in the year 1821–22, the price was not above 39*s.* The Corn-law therefore never had—it never could, and never would, attain the object proposed. The witness was next asked—

"Then, how has the Corn-law disappointed the expectations of the farmers?"

He answered,

"Because it led those who took farms at money-rents to give much higher rents than otherwise they would have done."

No doubt it did; the Legislature had by that law held out great expectations to the farmer; it had induced false hopes, and under those false hopes, one-half of the farmers of England had been ruined. It was an ill-advised act of friendship thus to deceive them. A noble Friend on the cross-benches reminded him of the state of the currency question at that time. But had the currency anything to do with the present state of things? Certainly not. In 1821, after the Currency Bill of 1819 had passed, there were some grounds for saying, that the currency had something to do with the distress and disasters which at time existed; but what had the alteration of the currency to do with the distresses which affected the agricultural classes in 1831, 1832, 1834, 1835, and 1836? Absolutely nothing, and therefore, he was warranted in saying, that the alteration in the currency was not even a cause, still less the main cause, of effecting those distresses. To another question put to him, the same gentleman (Mr. Hope) answered,

"I think, by the present working of the Corn-laws, that prices may run too high, in years of scarcity, for the interests of the farmers."

This was a very remarkable operation of the Corn-laws upon those who were paying corn-rents.

"Before any foreign corn can be introduced prices may run up so high as to be prejudicial to the farmers, because, in 1831, they could not grow so much wheat as would pay their rent. This is prejudicial to those who paid money-rent, because I am sure, that if they had not believed the Corn-laws, they would not have paid so much money-rent."

He had frequently stated this in that House, and it gave him great satisfaction to find, that he could support his own statements by the evidence of farmers, because it had sometimes been said that he was not the farmer's friend, while he was a better friend to the farmer than those who deluded the farmer by endeavouring to make him obtain prices and pay rents he never could obtain or pay. The next witness to whom he would refer was Mr. Howden. This gentleman, who lived in East Lothian, had given evidence before the same Committee, and having in the early part of his statement declared, that the farmers in his neighbourhood were ruined, he was asked,

"What is the reason of the farmers having all gone away?"

Now, let their Lordships mark his answer. His answer was:—

"Money rents were exacted from them. They all conceived, that they were to have 80*s*. per quarter, and their calculations were made upon that supposition. It soon appeared that these expectations could not be realized, and the rents were not converted into corn rents, and ruin has been the consequence."

And so it would be always, as regarded the manufacturer or the agriculturist alternately, so long as Parliament persisted in maintaining the present system of laws; and he said, "the present system of laws," because it was not the law of 1815, for that was a part only of the system; and he declared his belief again, that so long as the existing law continued, we should never experience any real prosperity. It was said by one of the early writers upon political economy, that when "it was well with the land, it was well with trade." Their Lordships had had the singular misfortune of so contriving their legislation as to render this coincidence of good fortune absolutely impossible. Since 1815 it had never taken place; and he thought, that he was not presuming too much in saying that it never would occur. Whenever the farmers had prospered, as during the last year, the manufacturers had complained. [*a laugh*] The noble Earl opposite (Earl Stanhope) smiled at that, but it was the fact. [*Hear, hear!* from Earl Stanhope.] The noble Earl admitted the truth of what he had said. Mr. Howden was afterwards asked:—

"In your opinion, did the Corn-law of 1815 deceive both the landlord and the tenant?—It did. I believe, that the calculation which they made at that time was almost universally 4*l*. per quarter.

"Then, the Corn-law having promised the price of 80s. failed in performing that promise?—Yes.

Their Lordships might suppose, that this was a set of questions put to the witness, in order to entrap him into answers favourable to some particular view of a Member of the Committee; but who was it that had put them?—Mr. Cayley, the Member for the North Riding of Yorkshire, whom he might describe as protection personified. These were not answers wrung from an unwilling witness, but they came from a person boldly and unhesitatingly, in answer to questions put by an individual whose opinions tended in a direction opposed to the tenour of the replies which were elicited. This examination related to the effects of the law of 1815, he would next advert to the law of 1828, under which we were now living. The witness was asked, in reference to the law of 1828:—

"You have spoken of some of the evils of the Corn-laws of 1815, are you well satisfied with the present Corn-law of 1828?"

His answer was:—

"That is a subject which I am not able to grapple with; but as far as I could form a judgment I was pleased with the scheme before it was put in action; but now it has been of no benefit to the farmer, for the last three years, I confess I should have preferred a moderate fixed duty, but that is a subject into which I shall not enter."

[A *Noble Lord:* What is the date of that evidence?] It was given before a Select Committee of the House of Commons which sat in 1836. He would only read one more piece of evidence as to the same point. Mr. Ellis, a grazier near Leicester, said:—

"I think, the present duty is too high (that was in April, 1836, when the prices and the duties were correspondingly high), for this reason, that I think it gives a fictitious value to land. It gives the farmers an expectation of something to come to their relief, which can never arrive, and therefore, it gives land a fictitious value."

Most perfectly did he agree with that expression of opinion. He had seen the failings of rent in 1821 and 1822; there was a rally in 1824, and then he saw many gentlemen raise their rents. The question was entirely one of rent. It was misunderstood, he believed, grossly misunderstood, by the landed gentry, and the Peers of England. They did not comprehend their own interests. They looked to the next rent day, without referring to their own interests, or to the interest of those who rented land under them. He did not believe, that they did it with any improper feeling or motives, and in all that he had ever said, he had always declared, that he thought, that they had not considered the subject beyond its very surface. They did not enter into the real question in dispute. They did not examine into all the ramifications of it, and they did not see how the value of the land was operated upon by its connection with the great mass of the population. They did not act upon the wise principle so well expressed by Sir Josiah Child, that "when it was well with trade, it was well with the land." That the prosperity of both could not be coincidental was to be attributed to the artificial mode in which the price of land and the price of food was raised. Nature was contravened, and an artificial system was established, and, therefore, the prosperity of both interests did not, and could not, go together. Let them, then adopt a more natural system; let them take courage, and not yield to wretched apprehensions. They might be assured, that there existed no real cause for apprehension. The poor land of England would never be thrown again out of employment, it could not be again thrown out of cultivation—Lincoln Heath would never appear again, and Norfolk and Suffolk can never be again reduced to the condition in which it was described to have been, when it was said, that there was one blade of grass, and two rabbits fighting for it. But what made this impossible? It was the two millions of people within the bills of mortality—the 200,000 people in Glasgow, and more than double that number congregated about Manchester. This was a reason which made it vain to seek any other cause. They might look for it in every other source which presented itself, but they would never secure the coincidence suggested, so long as they had such a state of things as was now in existence. That state of things it was impossible to exaggerate. He had warned the noble Viscount at the head of the Administration, on the first day of the Session in that House, and subsequently in private, that there had been no improvement at all, and he would be bound to say, that if they were now to institute a committee for the purpose of inquiring into the state of the manufacturing districts, they would discover a state of things to exist, much worse than they could otherwise imagine. Were the Corn-laws the cause of that? He did not say that they were the immediate cause; but he said that they had a great deal to do with producing that state of things, which was the immediate cause. He said that the Corn-laws had been active agents in producing the present state of things between this country and America, and he was warranted in so stating, because our representative in America, Mr. Addington, wrote home expressly to declare, that the present American tariff was caused principally by our Corn-laws. The Corn-laws might not be the immediate cause of distress, but when distress was caused by other circumstances, that the Corn-laws were a grievous aggravation of that distress, it was impossible for any human being to deny. The price of flour was now 3*s.* a stone, and that was the consequence of the Corn-laws, which it was said were not intended to raise the price of corn. If, however, they did not raise the price, the support of the Corn-laws was absurd. If they were meant to benefit the farmer, they must obtain for him a higher price for his corn; and if they did not do this, what were they for? He said, then, that they did raise the price of corn under certain circumstances. Mind, he did not say under all circumstances. What were the circumstances under which the Corn-laws could have the effect of raising the price of corn? Would they raise it when there was an abundant harvest, when they had more corn than they wanted, when they had an overflow? No. They did not at such a time raise the price. In 1834, 1835, and 1836, they did not raise the price. In 1835, indeed, the price was lower than it had ever been since the year 1793. But they did raise the price of corn when there was a scarcity. Exactly at the moment when it should be the object of a wise legislature to diminish the price of corn, in came the Corn-laws and raised the price. The unhallowed alliance between the Corn-laws and scarcity had raised the price of corn as much as 12*s.* or 14*s.* He said, then, that the Corn-laws were a grievous aggravation of the distresses of the people; that they were a grievous aggravation of the distresses of the manufacturing capitalists, that they were a grievous aggravation of the distressed state of the manufacturing labourers. They involved the manufacturing capitalists in difficulty because they stopped the course of our trade with other countries; they aggravated the distress of the manufacturing labourers, because they raised the price of that commodity on which they must be maintained. Let them not imagine that the effect on the agricultural labourer was much better. The agricultural labourer at 8*s.* or 9*s.* per week knew well that a high price of corn did not raise wages. In language more honest than complimentary, Mr. Burke had said that, "the squires of Norfolk had dined when they gave it as their opinion that wages might fluctuate with the price of corn." They did no such thing. It was the mere gift of the farmer when he raised his wages with the increased price of corn. It was no sound arrangement of the proper price of wages between the employer and the employed. The increase was not made in every part of England. In many parts of England he believed that the wages of the labourers did not rise in consequence of the high price of provisions. The agricultural labourers, therefore, received no more benefit from the high price of corn, than did the manufacturing labourers. True it was that the agricultural labourers received only 8*s.* or 9*s.*, whilst the manufacturing labourers received from 12*s.* to 13*s.*, and it might be said that the manufacturing labourer ought to think himself very well off because he got the larger amount. So some persons might say, that if their Lordships' incomes were reduced to hundreds a-year instead of thousands, they ought to think themselves very well off. But well off was a matter of comparison as to what a man was used to, and what the demands of his state of life were. The manufacturing labourer had many calls upon him for expense which the agricultural labourer had not. Again, the manufacturing labourer was engaged in a very disagreeable occupation, which always had an influence in regulating the price of wages, whilst the agricultural labourer was engaged in an employment that was very agreeable. Such considerations always affected wages; thus they must give more to a scavenger than to a ploughman, because the former was a very disagreeable occupation. It would not do to say, therefore, that the manufacturing labourers had actually higher wages, for they had not even nominally higher wages, because, in consequence of manufacturing distress, it was necessary to employ the manufacturing labourers in occupations to which they were not used, and in which, consequently, they could not earn high wages. He, therefore, took leave to say that the Corn-laws were at the present moment operating with great severity against the people of England. He said, further, that their Lordships had the means of alleviating this distress; and he ventured humbly to think that they ought to do it; whether they would do it, he did not know. He believed that at that instant they might alleviate this suffering. Were their Lordships aware of the amount of the debt due to this country from the United States of America? He did not know the exact sum, but it amounted to several millions. He knew, however, that America had the means of discharging that debt. He knew, also, that they had the will to discharge that debt, and although their Lordships were not connected with the manufacturing interests, he would venture to say that some of them knew this to be the fact. He said, therefore, that their Lordships might do a great deal by an immediate consideration of the law towards the relief of the manufacturing and commercial capitalists. He was aware that appeals of this description were not listened to with any great affection in that House. In matters of indifference, he would always endeavour to do what was agreeable to their Lordships, if he could, but he would never think merely of pleasing their Lordships, if it was necessary that he should state the truth. The fact was, that their Lordships were indisposed to entertain this question; they did not like that it should be mooted; they did not like any conversation to take place upon it; the still small voice within them told them that the present system could not last, unless they were prepared to brave the execration of their fellow-subjects. He said boldly, that unless they were prepared to brave a great degree of dislike, to submit to general opprobrium, they must abandon the present system. How long it would last he could not tell. It might be for another year, or for three or four or five years, but so long as it remained they would have constant alternations of prosperity and distress. They could not have the prosperity of the two classes at the same time; the concurrent prosperity of both was impossible under the present system. Therefore it was that he thought their Lordships would act with great wisdom, if they would agree with him in reconsidering this subject. When the corn-laws were passed, he remembered that a right hon. Friend of his, who was now a Member of their Lordships' House, though he regretted that he was not present, whose duty he believed it was to move the question in the House of Commons, or at any rate who took part in the debate, had said that the law which he was then proposing "was a good temporary alteration of the then law." He never said that it would be permanently good—he was a man of too large a range of intellect to be of that opinion. It was undoubtedly a great improvement of the law as it at that time existed; and although the right hon. Gentleman did not propose it technically as a temporary measure, he certainly did not offer it as the best system under which corn could be permanently imported, but as the best amendment that could at that time be made in the existing system. In that alteration, he had then concurred, and he thought that he, and those who acted with him, had done right. He thought that it was a useful change of the preceding system; but the question now was, not whether the present system were better than the preceding, but whether it were a system to which they could permanently adhere? It was not the system of 1815; it did not pretend to cause absolute exclusion, but it did in effect cause such an exclusion by means of the high duties which took place at particular periods, and so increased the price of corn, as to have practically the effect of excluding foreign corn from this country, till the home-grown corn had arrived at a very high price. Any one who had examined the operation of the present duties, who had looked into the price of corn in foreign ports, the costs of transhipment, and the vicissitudes of the voyage, would see that no one engaged in the foreign corn trade could afford to sell at a less price than 64*s*. or 65*s*. a quarter. The corn-laws had, therefore, the effect of causing a practical exclusion of foreign corn, till the home corn reached that price. And here, if his noble Friend on the cross-benches (the Duke of Richmond) were to say that there was some effect produced by the currency, he would admit that, to a certain degree, he thought there was. In that view 64*s*. in 1838 implied a great deal more than 64*s*. in 1815. For taking Mr. Ricardo's, which was the lowest estimate of the depreciation of the currency, and setting it at five per cent. only, 64*s*. or 65*s*. in 1838 would be equal to 67*s*. or 68*s*. in 1815. They were thus excluding corn up to about 70*s*. in price. True it was that the former law of 1815 made an absolute exclusion up to 80*s*., and the amount was thus lowered by the present law; yet the practical effect of the law was the same at both periods; namely, to exclude the foreign corn. The principal argument in favour of the exclusion of foreign corn was propounded at that time by an eminent man out of Parliament, and was adopted by many persons in Parliament, he meant Mr. Malthus—who proposed the exclusion of foreign corn, because he wished for a national independence, and to make us independent of foreign supply, we must secure for ourselves a domestic supply. There might or might not be sound policy in that view. He was not going into that question. His noble Friend said, that it was an important question; it might have been an important question; but when all experience had since shewn them that they could not do without foreign corn, there was an end of the importance of the question. He had lately heard the head of a republican Government on the other side of the Atlantic, lauded in quarters which were not wont to praise republican institutions or democratic presidents, because he had said, that the worst evil that could befal a country was, to be dependent on other countries for a supply of corn. Now he thought that the President of the United States was in the best possible place to deliver such a dictum. The President of the United Sates, whose land was most plentiful, might, without inconvenience, say, that one of the greatest advantages a country could possess was, that it should be independent of other countries for a supply of corn. Therefore he could not depend on the authority of Mr. Van Buren, although he was a most respectable and able man, quite so much as if he were the first governor of a country in which it might be necessary occasionally to introduce foreign corn. The fact was, that we had not, for many years, been able to do without foreign corn, and we could not. And let their Lordships mark what was the condition of the farmers when, for a year or two, little or no foreign corn was imported. We did without foreign corn in 1834, in 1835, and 1836. What was the consequence? The farmers appeared as suitors at the bar, and prayed for an alteration of the corn-laws. They did all that they could to induce the other House of Parliament to appoint Committees to inquire into the cause of the agricultural distress, and the last thing they desired was, an alteration in the corn-laws. If they came to the legislature for amendment in their condition, they must wish for some alteration of the existing law, but what was the exact change they wished he did not know, and he believed that the farmers did not know themselves. Now, the very same parties came forward, and said that they did not want any change. That was the the strange part of the subject. When, like the United States, we were doing without foreign corn, they had the farmers at their bar complaining of agricultural distress. Now that we were importing corn they had the manufacturers at their bar complaining of manufacturing distress, and ascribing the evil directly to the corn-laws. Particular and excellent advice was given in 1836 to the farmers, to which he was most desirous of calling the attention of their Lordships. It came with great weight, and as things of great weight ought to come, at the peroration to the labours of the Committee for that year. The very last part of the evidence before the Committee was worthy of the high authority from which it proceeded; it was a most wise piece of advice, it was most honestly given, he hoped that the farmers had listened to it with the respect that was due to the giver, and he trusted that it had sunk deep into the minds of those to whom it was addressed, so that if, by the blessing of Providence, in 1840 we should have an abundant harvest, and, as one good harvest would not do, since they they might depend upon it there would not be a low price of corn in England till after the harvest of 1840, if the next harvest being abundant it should be succeeded by abundant harvests in 1841, 1842, and 1843, he sincerely trusted that the persons to whom the wise admonition of 1836 was addressed would recollect it, and not appear again at their bar, complaining of agricultural distress. He hoped also that the most statesmanlike advice which closed the evidence to which he had referred, would sink deep into their Lordships' minds, and that they would get rid of all attempts to interfere with the trade in corn. Every Wednesday their Lordships were now interfering with every market in England, and he did expect that they would attend to the oracular opinion to which he was now about to refer. After the whole of the questions to be asked by Members of the Committee had been exhausted, the chairman, who was now the Speaker of the other House, put this question—

> "Can your Lordship suggest any legislative measure, unconnected with the currency, by which the interests of the agriculturists can be relieved, without prejudice to the other interests of the community."

To which the noble Lord to whom the question was put (Lord Ashburton) thus answered—

> "I really do not know anything that can be done for the agriculturists, but to tell them honestly, that no parliamentary relief is possible. I am not aware of anything that can be done for agriculture by Parliament."

Most sincerely did he (Earl Fitzwilliam) subscribe to that opinion. He was too well aware of what was the effect of all these mischievous attempts to benefit the agriculturist at the expense of the other interests of the community, not to concur fully in that opinion. It was that opinion which he was desirous to enforce upon their Lordships. [Lord *Ashburton.*—May I ask the noble Earl, is that my answer that he quotes?] Yes. He was certain that the true system was contained in that answer. It was with that view he asked their Lordships to consider whether their weekly interference with every market in England was wise, and after disposing of the general question of the propriety of interfering with all interests to benefit one, to say whether they did really, by such interference, benefit agriculture itself? Non-interference was the old view which ought never to have been departed from. He remembered that he had been told, on former occasions, that there had always been corn-laws. No doubt there had. Some persons doubted whether he knew that fact. He knew it full well, but he knew also that they had never had any corn-laws in this country with the present object. They had never had such laws till 1815, when, in an ill-omened hour, the country gentlemen of England thought that they were all going to be ruined by the return of peace [the Duke of *Richmond:* No.] No, said his noble Friend. Why, the whole gist of the legislation of of 1815, the whole view of those who passed the corn-laws, was to maintain the landed interest. He was happy to say, however, that this interest was so rooted in the affections of the great part of the community, that it needed none of these wretched attempts, these miserable plans, to prop it up. The agricultural interest rested upon too stable a foundation to lack any such assistance. After all, however, the Legislature did not do what they attempted. They told the farmers in 1815, that they were to have corn at 80*s.* They did not have it at 80*s.* and they were ruined. They told the farmers in 1828, that the price of wheat was to be 70*s.* per quarter, it had fallen to 35*s.* They had not attained their object—they had only tried the most monstrous system that had ever been attempted by an enlightened body of men. They might succeed in years of scarcity, but when there was an abundant harvest, the power was at an end, the bounty of Providence took the power entirely away from them, and the agriculturists were ruined under the law of 1828, that was to be their protection. These were the reasons why he believed that it would be wise to reconsider the law; he believed that till their Lordships did reconsider it, they would, year by year, have this alternation of the complaints of one class, and statements of the prosperity of the other. The two classes could not go on prosperously together, for, however closely they might be linked together under a natural system, yet the moment they established an artificial system, the concurrent prosperity of the two classes was impossible. Therefore, his strong recommendation was, being desirous of benefitting the agricultural class as well as the manufacturing, and not caring a snap of the finger between the two, and being sure that these laws injured both, they should cast aside their wretched fears and alter the present law. As to the independence of the country, he recollected that, in the midst of a most inveterate war; he remembered that in 1810, when the continent seemed more closed against this country than it had ever been, and when there was the most inveterate personal hatred, now happily got rid of, between the citizens of this country and the citizens of the country on the other side of the British channel—he recollected that even at that time a supply of French corn came into the English market. That it was essential to the political independence of this country that we should exclude foreign corn was a notion that might have been impressed on the minds of some parties during the progress of a war unequalled in the annals of modern Europe, but to suppose, upon a calm consideration, that our national independence would be affected by the necessity for an importation of five hundred thousand or a million quarters of corn, was one of the wildest notions that had ever entered the mind of any individual. Then, with respect to the effect of an alteration of the Corn-laws upon cultivation. In those districts in the country which were best cultivated, where the landowners and occupiers were the most intelligent, and in which the greatest amount of practical knowledge and of theoretical science was brought to bear upon agriculture, there was the least desire for the maintenance of the Corn-laws. But in proportion as they went into counties which were little advanced, in which there was the least knowledge of the theory and practice of agriculture, and in which the culture was in the lowest state, they would find that the desire for these laws was the strongest. It would be invidious to enumerate particular districts, but if their Lordships would look at the petitions that had been presented to that House in favour of these laws, he would venture to say they would find the greater portion came from those counties which were not naturally the poorest, but from those which were the worst cultivated; and that the smallest portion came from those districts which were best cultivated. He thought that he might say that this would be found to be the fact. There was no rational ground, then, for fearing either for the independence of the country, or of the poorer lands being to any extent, by any conceivable diminution of price, thrown out of cultivation. There was no rational ground for apprehension on that point. He would not deny that it was possible that the rent of some of the worst lands of England might necessarily be lowered. He thought it possible, but he believed that even that would be to a very limited extent. What during the last twenty-five years—that was, since the enactment of 1815—had been the changes introduced in practical and theoretical agriculture? There had been a greater advance made in this country in agricultural science, aye, and in the practical application of that science, in the cultivation of the soil, than had been made in a century before. The effect of it had been to make what was once very bad land, pretty tolerable land. He would not say that the worst lands of Norfolk, Suffolk, and Nottinghamshire, were equal to the deep loam of Shropshire or Warwickshire; but he would say, that such an advance had been made in the application of manure and of practical science to those lands, as to make the supposition, that those districts would ever be thrown out of cultivation by any change of the Corn-laws, or even by the sweeping them all away this moment, perfectly ridiculous and absurd. He entertained not the least doubt that quite as much corn would be grown in Suffolk, Norfolk, and Nottingham, in time to come, were the Corn-laws abolished now, as was raised in those counties at present. He did not say that it would not be necessary to reduce the rents of those lands, but that was another consideration, a consideration which their Lordships must put far from them. If the tenth part of the lands of the eastern counties were to be thrown out of cultivation, he did not conceive it would at all affect the essential interests of the country. It might be a matter of consequence to a few individuals, but after all the landowners were a very small body compared with the great bulk of the population. They were a very respectable body, a very influential, and a very wealthy body. There were many owners of small portions of land, of four or five acres or so, but these, though numerous, could not be properly called landowners, nor could their holdings be called land, in the sense in which the cultivation of it was matter of consequence. The owners of agricultural land were a very small body of persons. He apprehended there were not more than 30,000 or 40,000 persons who could in any sense be considered as owners of land in England; he repeated they were very wealthy, very powerful, and very respectable persons, but they were not numerous; therefore, when their Lordships were considering what was good for the nation at large, the landowners were, perhaps, of all persons the last to be considered in that point of view. Admitting their respectability, their wealth, and their power, still they were not numerous—they were not a class sufficiently great for their Lordships, as legislators, to be justified in sacrificing other interests to that of the land. And yet their Lordships did sacrifice other interests to it. The whole argument in favour of these laws was founded upon the necessity of maintaining what was called the landed interest. That was, at once admitting, that their Lordships were to maintain that interest at the expense of other interests; and that, in fact, they did deal with the landed interest in a more favourable manner than they dealt with any other interest. They gave no similar boon to any other class of the community; they gave no similar boon to the fundholder; they gave no similar boon to the manufacturer; they gave no similar boon to capital of any other description. They said to the capitalists of other descriptions, " Exercise your trade: we will admit foreign commodities to compete with you." [" *Hear, hear*" from Lord Wynford.] The noble and learned Lord did not like to be touched there, because, when he had presented a petition upon this subject, the noble and learned Lord put this question to him: " Will the manufacturers agree to give up the protection which they have?" He answered, that he had not been in communication with those persons, still he knew pretty well that they were prepared to give up that protection. But could the protection which the manufacturers had for a moment be compared with the protection which the landed proprietor enjoyed? The very attempt to institute a comparison between the two cases was monstrous. What was the scheme of Mr. Huskisson and Mr. Wallace, now Lord Wallace, and a Member of their Lordships' House? They proposed that the manufacturers of this country might have a protection duty of thirty per cent. It was very difficult, he knew, to calculate these things exactly, but that was the object of the law. But what was the protection which the farmers had? Why it was exclusion. It was exclusion at 64*s*. or 65*s*. a quarter, effected by a duty. If their Lordships, after comparing the amount of duty which was levied upon foreign corn with the price of that foreign corn, should tell him that it was not much more than thirty per cent., it would only show, that on the part of those who maintained that doctrine there was very great ignorance upon this subject. To say that a duty from 20*s*. to 25*s*. a quarter upon foreign wheat was not a great deal more than thirty per cent. upon the price of wheat coming from Dantzic or Odessa, was perfectly ridiculous. It was a great deal more. Taking the price of wheat at Dantzic at 40*s*. a quarter, a duty of 20*s*. would amount to a protection of above fifty per cent.; but it was not merely a duty of fifty per cent., which these laws gave, that constituted the great grievance, but it was that during a great range of prices the laws amounted actually to an exclusion of foreign corn. There was a total difference between a duty without exclusion, and an exclusive protection effected by means of a duty. Therefore he was warranted in saying, that the Legislature had dealt much more favourably with the landed interest, and it thought it dealt more favourably with the agricultural interest, than it did with any other class in this country. It might be wise so to do; it might be just so to do; but he confessed, that neither the wisdom nor the justice of it was very perceptible to him. He could not for his life understand why they were to give greater advantage to the landowner or the farmer, than to any other class of the community. That an additional benefit was conferred on the landowners by the law could not be denied. Upon the ground of justice this ought not to be; but he would not appeal to their Lordships upon that ground. He contended, that upon the ground of true policy, they ought to revise the law. It had been in existence for twelve years. The preceding law had a sort of ricketty existence, and after lasting a short time it was altered, and the present law substituted. The object of the Legislature, when passing laws in relation to corn at former periods, was to keep down the price of corn; but the object of the present law was to make corn scarce. That was the immediate object of it no doubt. He was aware, that some persons would say it was not the ultimate object. The ultimate object, he feared, was so very far off that it required a telescope to perceive it. The whole argument, he knew, of the supporters of the law had been, that it was intended to regulate the price of corn. That might be the case; but it was to regulate it at a higher price than it would otherwise be. That was the whole object of the law. [" *No, no.*"] Not the whole object? At least, it was the immediate object. [" *No, no.*"] O, dear! not even that. The operation of the law depended upon whether they had an abundance of corn in the country or a scarcity. If there were an abundance, the law did no harm to the consumer, and it did no good to the farmer. None whatever. It left the farmer where he was. Not exactly so, indeed; for it put him in a worse condition than he expected, for it held out to him a promise of 68*s.* a quarter when there was abundance, whereas he only got 65*s.* But with respect to the consumer, its effect depended on whether there was a scarcity or an abundance. If there was an abundance it was the better for him; but if there was a little bit of scarcity—that was to say, if instead of there being 100 quarters in the country, there should be only ninety-nine or ninety-eight quarters, then he knew perfectly well the law began to tell; and it was only under those circumstances that it could tell. But it did tell. He would put it thus; supposing when there was precisely that quantity of corn in the country, which was sufficient for the maintenance of the people—neither more nor less—(say 100 quarters)—the price (which would then be the natural price) should be 50*s.* a quarter. Now, if you reduced the quantity of corn to ninety-nine quarters, there would be a deficiency of one-hundredth part as to the quantity. But the effect of that deficiency upon the price of the corn would be considerably greater than that of increasing it by a hundredth part; that was to say, it would not merely increase the price of a quarter of wheat to 50*s.* 6*d.*, but it would raise the price in a much greater ratio, to which extent it was impossible to say *a priori*, but it might be to 52*s.*, 53*s.*, 54*s.*, or 55*s.*, depending on circumstances, so that no one could exactly say to what. But having arrived at that point, the Corn-law then interfered and said—"You shall not import foreign corn unless you pay a certain high rate of duty." Thus, the rise in the price of corn was not that which ought to take place in consequence of the deficiency in the quantity of corn, but it was much greater; and, therefore, it was that he said that the Corn-laws aggravated the distress of the people, and, therefore, also it was that he contended the object of the Legislature was to create that slight degree of scarcity which should keep the price up to what they conceived it ought to be. But it was an object inconsistent with all wise legislation for this country. These matters were too subtle for them to deal with. They could not regulate them with the nicety and exactness which these things required; and if so, it appeared to him much better not to endeavour to regulate them at all. They had endeavoured to accomplish this object for the last twenty-five years, but the effect had been, that prices were sometimes more, and sometimes less favourable, but they never during the whole period produced any satisfactory result. They never had, and they never would. He would conclude by moving—"That it is expedient to reconsider the laws relating to the importation of foreign corn."

Lord *Western* was anxious to say a few words on the subject, and to deny that the object of the Corn-laws had ever been to raise the price of corn. The act of 1815, to which the noble Lord had so particularly referred, had not that object. The object of that act was to protect and extend agriculture, and render the country independent of foreign supplies. The whole successive acts of the Legislature, from the reign of Charles 2nd down to the present moment had had the same object. The act of 1815 certainly placed a higher import duty than any former act, but those who supported it never entertained the vain expectation, still less did they instruct their tenants to expect that the price of wheat would be maintained at 80*s.* a quarter. No such thing. The reason that price was fixed upon was, that the average price for the twenty years preceding had amounted to 80*s.* a quarter, and the price for the last five years prior to 1814 was about 100*s.* a quarter. The act of Charles 2nd was more stringent than the present law, reference being had to the value of money at that period, and to what it was now. The object he had ever had in view, as far as he had been instrumental in passing these protecting laws, had been to prevent British agriculture from being extinguished by allowing the importation of foreign corn from untaxed countries—countries where the people were content to live upon the offal of corn upon which the people of this country could not exist, or, at least, would not consume. If the people of foreign corn-growing countries were in a situation to eat bread corn such as the people of this country did, they would not have much corn to spare; but they lived upon rye meal, barley meal, and other inferior kinds of food, and that it was that gave them the opportunity of supplying this country with the best wheats. He did not think, any more than the noble Earl, that the Corn-laws were necessary to sustain the agricultural prosperity of this country, or were intended to keep up the high price of corn or keep up the rents. He looked to the commercial and manufacturing prosperity of this country to sustain the prosperity of the agriculturists, by sustaining that legitimate price which they were entitled to expect for their produce. Why was the money price of corn in this country so much higher than in continental countries? It was not always so. At one period corn was as cheap—nay, cheaper in England than abroad, for it was exported. Why, then, was it higher now? It was the accumulated debt and the vast amount of taxation that had produced that effect. It was the artificial condition in which this country was placed, If it were not for that higher money price, the honour and independence of this country could not be maintained. Supposing they could reduce the present average price of corn to the continental prices—that was to say, the average of the last ten years being 57*s*. a quarter; supposing it were reduced to 40*s*., what would be the consequences? Away would go rents, and away would go all interest upon the farmer's capital, and away would go the revenue for paying the dividends to the public creditor. He had read with great interest the report issued by the Manchester Chamber of Commerce a few months ago. In 1837 that body assembled under similar circumstances to ascertain the cause of the distress they were then labouring under, but after pondering long upon it they separated without coming to any conclusion, stating that they could not arrive at any conclusion as to the real cause of their distress. A few months ago, however, when they sat again, after long inquiry, they at length attributed their distress to extensive fluctuations in the currency, but said not a word about the Corn-laws. There was no doubt that much distress had prevailed among the manufacturing classes; but there was no just ground for attributing these distresses to the Corn-laws. He could not think that those laws had worked ill, when he saw how they had prevented that influx of foreign corn which would have come in if the duty had been taken off, and have altogether overwhelmed the agricultural population, already labouring under a mass of taxation. He was convinced that if the projects of the noble Earl and others who entertained the same Utopian views could be carried out to the lowering the price of corn, they would produce much greater misery in this country than had ever before been felt. The noble Earl seemed desirous of inducing the people to think this a landlord's question—a question of rent—but it was no such thing. It was the general prosperity of the country that he had ever had in view in considering this question, and which he fully believed the Legislature had always had in view when they enacted the protecting duties complained of. He could answer for it that this was not considered a landlord's question, a question of rent, in Essex, one of the most agricultural counties in England. Of the many petitions he had presented from that county in support of these laws, nine-twentieths came from farmers, and the anti-corn-law gentlemen had not been able to persuade the Essex farmers that this was a landlord's question; they knew very well that it was a farmer's question. They knew very well that no reduction of rent could compensate to them for a reduction of the market-price of the gross aggregate growth, not even were rent to be annihilated altogether. Among the landlords and occupiers of that county there was but one view and one feeling, a sense of the injury that was inflicted on them by these annual persecutions, and of indignation at the means taken to bully and overawe the Legislature.

The Earl of *Rosebery* regarded this as a question of all others which ought to be considered apart from party bias, from all selfish and narrow interests, and to be decided only with a view to the general welfare of the community at large. Yet on both sides many mistakes and misapprehensions seemed to prevail with reference to it. On the one hand the present restrictive system was attributed entirely to the cupidity of the landlords, and represented as seriously injurious to all other classes, while the same reasoners at another time most inconsistently ridiculed the agricultural body for adhering to a system which must be injurious to their own interests. Again, he very much doubted whether, if there were a free trade in corn, the labouring population of this country would derive the benefit of a proportional reduction in the price of bread. That was another fallacy which pervaded the speeches, of many corn-law repealers. Although wages might not fall with the price of corn in abundant seasons, because that reduction in the price of provisions was necessarily of a temporary character, yet if bread were permanently low in consequence of an unrestricted importation duty free of foreign corn, the wages of labour would infallibly sink in a corresponding ratio to the fixed low price of corn. Nor was it fair to represent the agricultural body as enjoying a monopoly in the article of food; the large importations of foreign corn which had taken place during five out of the eleven years of the existence of the present law proved beyond contradiction that such was not the fact. Still he was bound to admit that delusions existed to a considerable extent on the other side. He was surprised to find a noble Duke (the Duke of Richmond), who usally sat on the cross-bench, encourage the exaggerated notion that, if the present system of Corn-laws were altered, a great portion of the land would be thrown out of cultivation, and an immense number of agricultural labourers out of employment. Such a result he could by no means anticipate. Another proposition which had been advanced by some whose opinions were entitled to great weight was this—that even a gradual modification of the present system would be inexpedient and injurious, because by such an alteration the contract between the landlord and tenant would be changed. But if such a doctrine could be maintained as a general principle, if it could be maintained that an act of Parliament could not be changed, when contracts had been entered into upon the faith of it, there would be an end of a great part of the legislation of the country. No doubt the existence of such contracts was a reason for taking great care in the enactments by which the law was to be changed, and for making their operation so slow as to afford time for the re-adjustment of the arrangements which had been entered into by individuals; but it was no reason for persevering for ever in a pernicious system which was opposed to reason and experience. Another opinion which had been advanced stated it to be the duty of Parliament to take care that the farmers received a remunerating price for their produce. He did not quite understand this proposition; if it meant that the farmer sought to be relieved from those charges which pressed particularly on the agricultural body, he admitted that to that extent they were entitled to the protection of Parliament, but he thought that the remuneration afforded by any branch of industry should be left entirely to be settled between the individuals engaged in it. There was only one more of the propositions which had been advanced to which he would advert, and it was this—that the present system could not be considered prejudicial to the commercial and manufacturing interests, inasmuch as those interests had continued to advance and prosper under the existing law. He admitted this to be a proof that the present law had not paralyzed and destroyed the manufacturing and commercial interests; but it did not follow that they would not be more prosperous and flourishing under a different system. Having stated these different opinions, and his reasons for not agreeing with them, it might be supposed that he remained neuter, and had formed no opinion on the subject. He had, however, formed a pretty strong opinion. He thought it a very great evil of the present system, that under it there was an entire prohibition to importation for a series of years, and then of a sudden the duties were so rapidly changed, that an enormous supply entered the country, inviting and encouraging every sort of speculator to come forward to make a false impression on the market. That was the real evil, to which a remedy ought to be applied. It contracted our commercial intercourse with every part of the world; it produced all those derangements of the foreign exchanges which arose from enormous exports of bullion, and it enhanced the price of freight and carriage at the very time when it ought not to be enhanced at all. It had prevented the importation of good wheat to be mixed with our own inferior wheat. All these evils would be avoided by the adoption of a proper scale. He desired to see substituted for the present scale one which would be an approximation to that contained in the bill which was introduced into the House of Commons in 1827, by Mr. Canning, and which was known to have been framed by the late Earl of Liverpool. Besides the benefits which he believed this scale would produce by only prohibiting importation when prohibition was desirable, the change would put an end to the hostility between the two great interests of this country, which ought to feel they had only one common interest in the general prosperity of all. If no such change was adopted, there were only two courses which could be taken—one was the unlimited importation of foreign grain free of duty, and the other was the substitution of a fixed duty for an ascending and descending scale. The former of these was so wild and impracticable a scheme, and so injurious to property of a very large amount, as well as to the interests of the country at large, that he would not detain their Lordships by stating any arguments against it; but with regard to the latter alternative, he wished just to mention one or two objections which rendered it by no means expedient to be adopted. In the first place, he could not figure to himself that it would be possible to bring the two great conflicting interests to anything like an agreement as to the amount of fixed duty. That was a preliminary objection which appeared fatal to the scheme; but supposing it could be got rid of, there would arise this great evil—that upon every recurrence of a bad harvest or inferior crops, stronger efforts would be made than were made even now to induce their Lordships to alter the existing law and to reduce or repeal the fixed duty. Thus, instead of a real there would only be a nominal fixed duty, and there would be all the disadvantages of a fixed duty, and those of a varying one too. Besides many advocates of a fixed duty, avowed the reason to be, that it was the most ready step to the abolition of all duty, which he considered would be an unwise, impolitic, and anti-national course. Considering, therefore, that great caution was necessary in disposing of a question of the greatest domestic importance, but considering at the same time that it would be impossible to maintain much longer some of the most important provisions of the existing Corn-laws—being persuaded that it was more wise, politic, and judicious, as well as more just, to determine in time what the change should be, and to make a fair compromise between the parties who fancied that they had separate and hostile interests in this great question, rather than to wait until a great and sweeping change was forced on at an inconvenient period, he did not hesitate to vote for the motion of the noble Earl, under a strong impression that the best change would be to continue the present principle of a scale of duties varying in amount according to the price of grain, but with such alterations in the scale as would render the commercial intercourse between this country and the continent of Europe, and between this country and America, more steady, equal, and certain than it was at present, while for the purpose of putting an end to gambling speculation he would propose that the scale should not descend lower than 2*s.* 6*d.*, leaving it to the Government to interfere in extreme cases by an order in Council, and to come to Parliament for indemnity.

The Earl of *Falmouth* fully concurred in the principles of protection laid down by his noble Friend who had just addressed the House; but that principle he conceived to be entirely at issue with the doctrines of the noble Earl who opened the debate, and who had so framed his motion as to catch all the loose fish, all the modifiers, *et hoc genus omne.* Now, inasmuch as his noble Friend opposite advocated the principle of protection, and therefore only differed from those who were opposed to any change in the present Corn-laws upon the mere question of degree, his noble Friend could not so consistently vote with the noble Earl as with those who opposed the noble Earl's motion. As for the hostility which was said to exist amongst the people to the present Corn-laws, he had only to say, that if he could believe it were not artificial, he should attach great weight to it. But the clamour which had been raised against the Corn-laws did not, in his opinion, spring from the natural feelings of the people; it was the work, the un-English, mischievous, and he would add, disgusting, work of agitators. Those who did not agree with the Anti-corn-law league were held up to public obloquy; the circulars of that body were founded upon falsehood, and by this means an artificial cry was raised in the country against the existing Corn laws. He could not compliment the noble Earl who opened the debate either upon the novelty or soundness of his speech, for he had merely repeated what he had stated over and over again in his writings upon the subject, and incidentally upon presenting petitions. He did not, however, complain that the noble Earl had brought forward the subject, for he was of opinion that the more the question was discussed the better, and that if those lecturers who went through the country were met in a proper and vigorous manner, a year would not pass before their Lordships would have the operatives in their favour. The charges made against the present Corn-laws had already been dealt with in a most masterly and conclusive manner by a right hon. Baronet, who had in fact exhausted the subject. That right hon. Baronet had divided those charges into three principal heads—first, that the Corn-laws had been the cause of much derangement in the monetary system; next, that they had been the cause of fluctuation in a higher degree than before; and thirdly, that they had caused a great falling-off in the manufactures of the country. With regard to the first charge, the right hon. Gentleman had shown that there was a considerable draught of bullion in 1836, when there was no importation of corn, and that a similar derangement of the currency had existed in America and France, which were exporting countries. With regard to the charge of creating fluctuating prices, he had shown that, although it was not within human power to prevent them, since they depended so much upon the seasons, yet that fluctuations had been less under the present system than under any previous system. That right hon. Baronet had shown that of the 145 months during which the present Corn-laws had been in operation, the price had been moderate for nearly 100, and that for only forty-five of those months had it gone beyond the average of 65*s.* If they looked to the average prices, they would see that on the first of January, 1839, it was 55*s.*, and that it was only since then it had been ranging between 60*s.* and 67*s.* If that were the fact, if it were proved that the fluctuations had been less under the present than under former systems, had they not a right to say, that, comparatively, the present system was the best, and one which should not be interfered with, unless the strongest necessity for doing so could be proved to exist? Then, with regard to the falling-off of manufactures, the right hon. Baronet had shown that on a comparison between 1838 and 1836, the exports of the country had increased in the amount of nearly 2,000,000*l.*, and that the number of shipping, as well as the Excise and Customs' duties, had likewise increased. What, then, became of the argument that the exports abroad had risen from the diminution of the home consumption? Why, it was proved to be wholly unfounded. The Anti-corn-law league, however, had dealt most unfairly with the arguments of the right hon. Baronet to whom he alluded. They had taken an isolated passage of his speech, and circulated it about the kingdom, so as to make it be believed that it was intended by the right hon. Baronet to draw an invidious comparison between the manufacturing and agricultural interests, and that at the expense of the former the latter were to be protected and encouraged. Now, without admitting that any such intention existed on the part of those who supported the existing system, he implored of their Lordships to be cautious how they pulled down the remunerative prices of agriculture. A quarrel between the manufacturer and agriculturist might be attended with serious disadvantage to the former, both were undoubtedly united by interest, and any one who attempted to separate them he could only regard as an enemy to his country. If we were to depend upon foreign nations for our supply of corn, if we were to beggar the agriculturists of the country, as was proposed, he was convinced that the price of corn would be infinitely higher than it was at present. Mr. Van Buren, in speaking of the agriculturists, said, that no class possessed such means of individual comfort, no such certainty of competence, and that nothing could compensate them for being made dependent upon others for the bread which they ate. The same authority further added, that it was the duty of a good government to encourage the agricultural class. Mr. Jacob was also favourable to the encouragement of a home growth of corn, as without it he considered no foreign supply would be found sufficient. Indeed, it was dangerous to depend upon a foreign nation for a supply of any article, but much more for a supply of food. The supply of sulphur furnished an instance of this, for the sulphur was raised from 7*l.* to 12*l.* 10*s.* The noble Earl had quoted the authority of the Earl of Leicester and Lord Essex, but there were authorities quite as good on the other side of the question, and in addition to this the great body of the agriculturists were with them. It was said that they were ignorant of their own interests, but surely noble Lords who spent their whole time in Spain, and only breathed the atmosphere of Bergara conventions, were not the best judges of what was or what was not most conducive to the agricultural interests. There were good grounds of complaint against Government for having made this question an open one; and if the noble Viscount (Viscount Melbourne) opposite felt now as he felt last year, he should have come down to the House and told those in it over whom he must be supposed to exercise some influence, that he would have no more such open questions mooted there, but that he was prepared to afford to agriculture its due protection, and not tamper lightly with the great interests involved in the question of the Corn-laws. If the noble Viscount did so, he would have the support of that House, and of the country in opposing what he himself had on a former occasion designated as a mad and a wicked scheme. If there was insanity in the project, the discovery was not his, it belonged to the noble Viscount.

The Earl of *Clarendon* rose to repel the very uncourteous allusion made to him by the noble Earl, when his unfitness had been spoken of by the noble Lord. The noble Earl had alluded to him when the noble Earl said, that a person occupied in Bergara conventions, and one who had passed his time in Spain, was not one to whose opinions much attention ought to be paid. This not very courteous allusion to himself justified him in making at least a few remarks to their Lordships.

The Earl of *Falmouth* explained. What he had said was, that a person who lived in the atmosphere of Bergara conventions, and who had spent his time in Spain, was not such an authority upon this question, as those who in this country had devoted their attention to the working of this measure.

The Earl of *Clarendon* felt much obliged to the noble Earl for repeating what he had just now said. Although he was free to admit, that what he might say would prove the truth of that which the noble Earl had asserted, as to his unfitness to form a correct opinion on such a subject, and as to his being a person to whom a petition on such a question ought not to be entrusted from Liverpool; yet, conscious as he was of his incapacity, he assured their Lordships he did not rise influenced by the presumption that he could add anything to the weight of what had fallen from the noble Earl in support of his motion, nor with the hope that he could aid by any influence of his own, the very powerful and convincing speech which the noble Earl had addressed to their Lordships, for the purpose of inducing them to reconsider the laws regulating the importation of corn. But this, in his opinion, was a question increasing in every year in its magnitude and importance; and as it was in this year forced with greater energy on their Lordships' attention than before; and as this was the first opportunity that he had of speaking on such a question, he hoped for the indulgence of the House while he endeavoured to state the reasons which induced him to give his support to the resolutions moved by the noble Earl. He thought, that there could be no doubt entertained that this was a question which was annually increasing in importance, whether they regarded the mighty interests that were involved in it, or whether they looked at it in the point of view it was presented to them by the noble Earl; or whether they looked to the mode of attack and defence by which the dispute was conducted by those who on either side entertained extravagant opinions on the subject. In such circumstances it was the imperative duty of Parliament to regard a question like this with perfect impartiality, to examine into its principles, and to consider its various circumstances. It was the imperative duty of Parliament to consider the situation both of the agricultural and the manufacturing interests, as unfortunately, but unavoidably, they were now arrayed against each other; to propose that which would destroy the violence and resistance to each other. Upon the one hand, they found the agriculturists exaggerating the advantages they enjoyed under the present system; they asserted, that without these laws they would not be able to maintain the obligations imposed upon them; and, on the other hand, the manufacturers declared that by continuing the price of food so high—that price regulating the wages—manufactures were injured, and trade most seriously affected. The agriculturists exaggerated the advantages on one side: they said, that without these laws the country would not produce one-half sufficient to feed the population; and by such a course they whetted the eagerness of their adversaries in their opposition. The advantages of these laws were as much exaggerated by the agriculturists as by the manufacturers themselves. The manufacturers, too, mistook the evils, as much as the agriculturists on their side overrated the advantages. Some of the manufacturers were found to say, that every improvement in manufactures in their continental rivals was to be attributed to the Corn-laws — that if the Corn-laws were abolished the price of labour would be reduced—the price of food would be greatly lowered, and that an unrestricted trade in corn would lead to the reduction by one-half of the taxation. This, in his opinion, was a lamentable state of things; and it was because he wished to put an end to delusion upon both sides, that he desired that the Corn-laws should be reconsidered. He certainly agreed with the noble Earl, who had spoken last, that this was not a question between the manufacturers and the agriculturists alone; and he also agreed with him in saying, that whoever set these two classes one against the other was an enemy to his country. It was, then, for this reason that he desired to see the Corn-laws reconsidered, and because he thought it was an indispensable preliminary to a just settlement of the question that they should bring both parties to have a just view of their own interests, and those of the community at large. He wished to make them feel that the general interests of the community were dependent upon its component parts, and that they could not sanction a principle by which one portion of the community was to be injured, and another benefited; or that one was to be benefited at the expense of another without really inflicting injury on the whole. Such reasons made him desirous for a reconsideration of the Corn-laws; for by that means truth would be made to appear, and many injurious fallacies dissipated. He believed, that it could be proved, that the Corn-laws were injurious to all classes, but more particularly to the agricultural interest. Nothing in his opinion could be more injurious to the producer of any article than inequality and fluctuation in the price. He contended for it, that if there was any feature of the law more distinctly shewn than another—if there was any thing more distinctly proved, it was this very fluctuation. This inequality was acknowledged, and it was to put an end to it that the law of 1828 was passed. Had that law fulfilled the intention of those who proposed it? They had tried the experiment for twelve years, and in that time the price had varied from 36*s.* to upwards of 80*s.* Their Lordships should remember that it was the quantity which regulated the price, and the land could not produce the quantity required. It was the great fluctuations in the price that made farming a gambling transaction The effect of the law was this, the English grower certainly participates in a very high price when the prices were high; but then he had hardly any corn to bring into the market. These laws secured the market to the English farmer when prices were low, but when prices were high in England the farmer had very little benefit from it; the greater portion of that benefit was enjoyed by the foreign grower. Then, when the prices were low, the losses fell upon those who were now for maintaining the Corn-laws. How often, he asked, had noble Lords been obliged to remit 20, 30, and sometimes even 40 per cent. of their tenants' rents? English landlords were obliged to do this in order that their tenants might not be ruined, and the cultivation of the land thrown upon themselves. The noble Earl could not deny, that such losses had fallen upon the landlords. When prices were low, all the lands let at that time were let at a low rate; and according to the depreciated state of agriculture, and the loss of capital, the less was produced from the land; for then the farmers could employ less men. He thought that it would be very important if they could have any thing like an accurate estimate of the loss sustained by agriculturists, in consequence of the inequality in the price. From the looseness of statistical details in this country, it was very difficult to ascertain this; but, looking at the corn-market, and the operations of Mark-lane, they might make something like an estimate of the loss sustained. He would refer on this point to the very able and instructive work by Mr. Wilson. He begged to say, that he entirely agreed with Mr. Wilson. Mr. Wilson assumed 52*s.* 2*d.* as the natural price for wheat, as being the average price of wheat for seven years—he supposed that to be the remunerating price. Mr. Wilson showed that anything over 52*s.* 2*d.*, in the seven years must be so much profit, anything less than that was so much loss. He showed then that the loss in three years on the quantity of wheat sold in Mark-lane, was 501,000*l.*, the profit in three years 355,000*l.*; and the loss on the whole 150,000*l.* against the landed interest. This, then, tended to show what must be the tremendous balance against that interest on the consumption of the whole kingdom. This applied only to wheat, the annual consumption of which was sixteen million of quarters annually. The annual consumption on all grain was about fifty millions of quarters. It was certainly stated, in the speech of the right hon. Baronet who was referred to by the noble Earl (the Earl of Falmouth), that it was to their manufacturing interest they owed their greatness as a nation, and it was by that interest that it was to be sustained. The commercial greatness of the country was principally owing to the cheapness with which we were enabled to produce commodities, and it would be very much endangered when foreign countries surpassed us in this latter respect. As an instance of the operation of the present corn duties, he would merely take the year 1838-9, which was a remarkable one, and in that year it appeared that there had been five million quarters of corn imported, at an expense of 12,000,000*l.* It was found also that the amount of bullion and deposits in the Bank always varied precisely according to the quantity of foreign corn required in the market. In October, 1839, the amount of bullion had been reduced from 5,000,000*l.* to 2,500,000*l.*, and it would have been reduced much lower but for the credit which the Bank of England opened with the Bank of France. Now, if this large importation of corn had taken place in conjunction with a money crisis, what tremendous consequences must have ensued. With respect to the indefinite power of foreign countries to supply us with corn, he had a very few remarks to make. Prussia was the chief market from whence we could derive a supply, and it appeared that the average price of corn for the twenty-two years from 1816 to 1838 was 28*s.* 4*d.*, and that the cost of carriage from the point of growth to the Dantzic market was about 6*s.*, making the average price at Dantzic 34*s.* 4*d.* during that period. With respect to the cost of conveyance to this country, he had seen several calculations, varying from 20*s.* to 9*s.* a quarter. He would not pretend to say, which of these estimates was the correct one, but he certainly thought that when all the dues and charges of shipment were considered, it would be impossible to put foreign corn down in our markets at less than 10*s.* a quarter. Besides this, a great deal of the corn imported would be found to be totally unfit for making bread, and this being added to the original price of 34*s.* 4*d.*, together with the cost of freight and a moderate duty, he thought there could be very little ground to apprehend that the British grower would be superseded to any very great extent. But then it was said also, that we must not import foreign corn, because that would make us dependent on foreigners for bread, for the first necessary of life. This was said, too, in careful forgetfulness of the enormous quantities of corn we now imported from abroad, and in forgetfulness of the fact, that the Bank of England had lately been all but broken by paying for foreign corn; forgetting also that we had now at home 1,500,000 people daily dependent upon a foreign country, not for bread, but for the means of purchasing it—1,500,000 people employed in manufactures, who depended upon the punctual arrival of cotton from America, and upon the equally punctual departure of an almost equal amount of their manufactures for America. Did any one doubt the continuance of this traffic? Could any one think that a different system would obtain were we regularly to trade with foreign countries for corn? Could any one doubt that the very principle and essence of trade is, to create in distant countries an interest in the happiness and prosperity of each other? Could any one doubt the power of such interest, and that every advance in mutual prosperity was a fresh bond of union, and a renewed pledge of peace? Having now very imperfectly, though he feared at much too great length, adverted to a few of those reasons for which he thought the present Corn-laws were injurious to every class of the community, and declared that he should therefore, vote for a re-consideration of them, he would now only humbly beg leave to remind their Lordships, that their proceedings this night were watched with intense eagerness by millions of their fellow-countrymen, with an eagerness and anxiety which he believed was without parallel; for, as he said before, this question was annually, daily, becoming one of more fearful interest and importance. Let him humbly remind their Lordships of the new features that it was constantly assuming—that it was not a party question—that men the most opposed in politics had united upon the necessity of some change in the present system—that the petitions to the House of Commons had been signed by 1,500,000 people—that every chamber of commerce in the kingdom had petitioned Parliament against the present Corn-laws, and that the principal bankers and merchants of the city of London, of the most opposite political opinions, but all men having vast interests at stake, had petitioned Parliament, under a conviction of the danger with which they are threatened by the present system. All these various classes of petitioners had their different specifics for the evils of which they complained, but they all implored a revision of the Corn-law. He would remind their Lordships, that the events of 1838 and 1839, and all the evils they had given rise to, and the dangers they rendered imminent, were if ever events were, worthy of the deepest consideration of the Legislature — that our population, increasing at a rate of 1,000,000 every three years, was more and more pressing upon the means of subsistence—that the Corn-laws, in their present state, precluded any provision being made for this increase—and that their continuance was almost on all hands allowed to be but a question of time. Was it, then, to be wondered at, if their Lordships' proceedings on that night should be viewed with intense anxiety, and that the greatest excitement should prevail, as to whether their Lordships would adopt the resolution proposed by the noble Earl; a resolution which pledged the House to no specific change, to the admission of no principle, but which would merely recognise the necessity of their Lordships having before them, for their consideration, all the circumstances and facts connected with the operation of the Corn-laws. It was impossible not to feel, that upon this most important subject,—one which, more than any other, affected the interest of all classes of the community,—it was impossible not to feel that the grossest exaggeration was likely to exist, that facts were misunderstood or perverted—that effects were attributed to causes which were not the real ones; in short, that the truth had yet to be discovered and acted upon. Surely, then, a fresh and full consideration of this question was necessary, and, he might add, was worth while. An investigation had been made into the Poor-laws, which presented difficulties apparently invincible, but the question was patiently and impartially examined, and the present Poor-laws afforded abundant evidence that they were framed upon searching inquiry, and that perfect knowledge of facts which was indispensable to successful legislation. Could the Corn-laws be less important than the Poor-laws? Were there a dozen men either in or out of Parliament, who could assert that their information concerning the Corn-laws was so complete, that they wanted no more, and if not, would there be any reason why the Poor-law should be inquired into in the fullest way, and that a re-consideration of the Corn-laws should be peremptorily denied? It would be untrue were he (the Earl of Clarendon) to say, that he had any hope or expectation that their Lordships would agree to the noble Earl's motion, but he should still deeply regret a contrary decision, because negativing the resolution would affirm that the present law required no change, and therefore admitted of no consideration; that whatever evils it might have imposed upon the community at large, it had at least worked to their Lordships' satisfaction, and that so long as it produced its present results, neither change nor modification could be hoped for by the country.

Lord *Ashburton* said, he should not trouble their Lordships to any great extent at that late hour; but, from the extreme importance of the subject, and from the view taken of the question by her Majesty's Ministers, he could not refrain from expressing his opinion. The question was in itself, however, perhaps the most momentous that could arise in this country, and it was made of additional importance by the conduct of her Majesty's Government. With the complicated relations that prevailed in this country—more complicated than any where else—it was absurd to speak of any one interest as being able to do without the other—as well might a man try to find out which limb he could do without. Therefore, if any one "interest" could satisfactorily show that the Corn-laws injured them, that was sufficient reason for repealing them. He, however, did not believe that to be the case. He denied that the present Corn-laws gave the landlords a private interest adverse to the interests of the other classes. Having watched the course of events with great anxiety and care, he did most conscientiously say, that in the present state of affairs, he saw nothing in the existing law that called for alteration; and he was quite sure that the most imprudent and most impolitic course which their Lordships could take would be to do that which he was sorry to see her Majesty's Government were ready to do, namely, to have no opinion in the aggregate on this subject, and thereby to scatter doubt through the country, and set conflicting interests by the ears in the way that the noble Earl had described. He would not go into the question whether the duty should be a shilling more or a shilling less, but he contended, that the general system of affording protection to the home growth of corn, in the present circumstances of this and other countries, was founded on justice. If the principle of protection were granted, and he were then asked to go into Committee to inquire into the degree of protection, he might perhaps bend; but when he was called on to say, that the whole system of protectection to agriculture was wrong, he could not consent. The uncertainty and fluctuation in the price of corn was one of the points most strongly insisted on, and it was contended that the fluctuations inflicted great injury on all classes, and that they arose wholly from the Corn-laws. From its nature the food of man was liable to fluctuations in price beyond all other articles. He believed they were less than would otherwise arise from the natural fluctuations of the seasons. All the principal articles of commerce were liable to fluctuations in price as great as corn. Cotton, wool, iron, hemp, flax. Every article of commerce had within a short time been subject to fluctuations in price of one or two hundred per cent. What reason, therefore, could there be for referring the fluctuations in the price of corn to the operation of the Corn-laws? It was necessary to give the agriculturist such a protection as would encourage him to carry the cultivation of the land to the highest pitch of perfection—in order to enable him to provide for the contingency of a deficient importation, and also to compensate him for the disadvantages under which he laboured in consequence of the burdens which were imposed upon him; and he certainly had in addition, a right to an equivalent protection with other producers. This was admitted by most political economists. Mr. M'Culloch admitted that the corn-grower was entitled to a protection equivalent to the peculiar charges imposed on him, and this protection Mr. M'Culloch estimated at 7*s*. per quarter. One word as to the charges on the agriculturists. The corn-grower had to bear the burden of supporting all the surplus labour of the country. The manufacturer could take up a thousand men one day, and if he found he could not profitably employ them, he could the next day throw them upon the parish. He knew a case in Wiltshire, in which a manufactory had been erected in an agricultural village, and labourers had been collected from all parts of the country by advertisement. The speculation had turned out an unprofitable one. The manufacturer had removed to the north, attracted by the cheapness of coals, the labourers had been thrown upon the parish, and the rates had been consequently increased to seventeen shillings in the pound. There were also other charges which had been thrown upon the agriculturists. The Secretary of State had recently been encouraging the introduction of a general system of police, which in some instances had doubled the county rates. What had rendered this police necessary? They did not want a police to keep people from stealing turnips. It was the towns, which the late Mr. Cobbett had designated the large wens, which had rendered the introduction of the police necessary. Then, again, there was the burden of tithes. How could the corn-grower in this country be expected to enter into competition with the corn-grower of France and Italy, where this burden of tithes was unknown. Then there was the charge of the old land-tax, the greater part of which had been redeemed. The home corn-grower was entitled to some protection on that account. Stock-in-trade, it appeared by law was liable to be rated to the poor. What was the consequence? The towns had raised an outcry upon the subject, and a bill was now before Parliament, to exempt stock-in-trade from rates. He did not object to this; he thought it was very expedient as subjecting stock-in-trade to rates, would be investing persons with an inquisitorial power, which would be intolerable in this country. But then the corn-grower was entitled to some protection as an equivalent. Again, the corn-grower could not go to the cheapest market to purchase his commodities. Sugar, for instance, might be considered as almost a necessary of life, and the English corn-grower had to pay 300 per cent. more than the resident in Hamburgh for that commodity. Free trade was a subject on which every body talked, but which in reality, existed nowhere; and they were not called upon to legislate for what this country ought to be, according to the fine theories of the philosophers, but according to the circumstances in which it actually was placed in 1840; and they found, that so far from other countries being inclined to agree to this liberalism, all those countries in which there were popular bodies of representatives actually repudiated free trade. They could carry on negotiations on the subject, but they all ended in nothing. If an Ambassador of Louis 14th had agreed to a commercial treaty, they might have reckoned on his carrying his country with him; but they could not do so with an Ambassador of Louis Philippe, as the Chamber of Deputies in Paris would be very likely to refuse to accede to any such treaty. Then, again, in North Germany, there was the Commercial League, which, according to Dr. Bowring, might have been put an end to, had it been attempted at the commencement by the Government, but which it was now hopeless to think of breaking up. They had adopted the system of protection in its fullest extent, and it was useless to think of knocking at their doors in the hopes of obtaining terms. Under these circumstances, what equivalent could they offer to the corn-grower by way of protection? The noble Earl had attributed the recent derangement in the currency to the operation of the Corn-laws. He did not deny but the circumstances of the Corn-trade might have contributed to that derangement, but he thought it was much more attributable to the conduct of the Bank, and besides, it was incumbent upon the noble Earl to have shown that this derangement could not have taken place under any other system of Corn-laws. The Bank had suddenly raised the interest of discounts from three to six per cent., and this it was which had destroyed all the small people, and produced the panic. They had now replenished their coffers, and the same thing had taken place now which had happened in 1825 and 1826, when the Bank had all but stopped payment. But under a free importation of corn, there would be a greater export of money from the country. He did not think that this country could safely rely upon any foreign country for a supply of corn to any considerable extent. In fact, it could not be procured. The manufacturers stated, that if they could get a free importation of corn, manufactures would more than double in extent—that the whole country would be covered with Birminghams and Manchesters inveloped in steam and smoke. Now, setting aside the argument, that that would make England such a steamy, smoky place, that no one who could live out of it would willingly live in it, let their Lordships contemplate what must be the effect of such a country being dependent on America, on the one hand for the raw material, by the manufacture of which these people were to be employed, and on the Continent of Europe on the other, for the food—from whence were they to be supplied with food? The only material supply they could expect, must be from the Baltic. They could not get corn from France, as it had no corn to furnish; and Belgium was in the same state. Then with respect to the alleged distress. It had been stated, that it was impossible for their Lordships to conceive the extremity and distress in which the manufacturers were placed. He did not believe in that distress; but if it did exist, it arose from the monetary state of the country. The Chamber of Commerce at Manchester had stated, that all the manufacturing interests up to the years 1835, and 1836, had been in the greatest state of prosperity; and to suppose, that the small difference in the price of corn, which then took place, could account for the difference of those interests at present, was what no practical man would do. In fact, all the great manufactures of the country had grown up under the Corn-laws. In the year 1815, when the Corn-law had been passed, which had been most complained of, 90,000,000lb. of cotton had been worked up in this country; in 1828, 227,000,000lb. and in 1837, 407,000,000lb. That was a practical proof of the growth of the cotton manufacture under those laws. The same or a greater increase might be shown in the iron manufacture. Dr. Bowring in his late report stated, that the countries in the neighbourhood of Dantzic were so thinly peopled, and poor, that their consumption of articles of manufacture was next to nothing. There could, therefore, be no reciprocity of trade with countries so situated. Dr. Bowring had also given particulars of the statistics of Prussia, which, stating the same fact, were peculiarly valuable, because they were not compiled for this purpose, and from these it appeared that the average consumption of butcher's meat in Germany, on the whole was 34½lb. per head per year. Now, the dietary of the most stingy workhouse in England would give twice as much butcher's meat to each of the paupers. The consumption of salt on the continent was in these proportions:—in France, 13½lb.; in Germany, 16½; in Great Britain, 22½. In Prussia each individual consumed of cotton clothing exactly one half of that which Mr. M'Culloch stated to be the average consumption in England. In consumption of woollen clothing the proportion was one and two-thirds in Prussia to four in England. Another article was also mentioned, the consumption of which was indicative of the comfort of the poorer classes—namely, sugar. The consumption of sugar in Great Britain was 17lb. a-year for every man; in France, 4¾lb.; in Germany, 3¾lb.; and in the rest of Europe, 2½lb. Under these circumstances, he thought the wisest course for their Lordships to adopt was, not to pass without much better evidence than had been supplied, a resolution which might induce the public to believe, that some material alteration of the Corn-laws was contemplated.

The Earl of *Radnor* began by observing, that he proposed to answer his noble Friend's (Lord Ashburton) arguments without having the advantage of hearing a great many of them, for his noble and learned Friend turned his back on his side of the House, and addressed all his observations to those sitting opposite. He did hear his noble Friend, however, say that they should not change the present, system without evidence of its ill effects, and yet when a noble and learned Friend below him (Lord Brougham) last year asked simply for inquiry, his motion was scouted. The noble Lord said, also, that he was unwilling to set up one interest against another; yet he found the noble Lord was vice-president of a society for the protection of agriculture, which expressly opposed the agricultural to the manufacturing interest. This society stated, that the owners of land possessed property to the amount of three thousand millions, whereas the manufacturers were worth only two hundred and sixty millions.

Lord *Ashburton:* I have never attended this society, and can't be considered responsible for their calculations.

Lord *Radnor:* These statements were put forward under the sanction of his noble Friend's name. If wheat was naturally of all articles the least variable in price, for it was an universal necessary, and the hardiest of plants, the fluctuations which had taken place in this country, were the result of our vicious system. It was true, that the prices varied during the last twenty-five years 7¾ per cent. less than in the previous twenty-five years. But this was accounted for by the war which was going on in the former period, and the wonder was, that the fluctuations for the last twenty-five years were not much less considering the different circumstances of the country. The variation in the price of wheat, notwithstanding the increased facilities of intercourse between the different nations of the world, had been much greater than the variation in the price of a vast number of articles. It appeared from Mr. Took's book, that whilst the variation in the price of wheat was 44¾ per cent., the variation in the price of one description of cotton was 27 per cent., of another description of the same article, 41 per cent., and in the price of indigo, 29 per cent. These were all of them articles quite as likely to be affected by seasons as wheat. Yet it would be seen, that the variation in the price of them was not so great. It further appeared from Mr. Took's book, that during the same period the variation in the price of oil of the northern fisheries was 41 per cent.; in the price of rice, 17 per cent.; in the price of rum, 30 per cent.; in the price of salt petre, 31 per cent. in the price of East India sugar, 30 per cent.; in the price of tobacco, 35 per cent.; and in the price of Spanish wool, 21 per cent. From other sources he found, that as regarded other articles upon which there was a monopoly, as in the case of wheat, the variation in the price had been greater. This applied particularly to the two articles of hops and apples. The noble Lord had spoken of the mischief of giving protection to the land on account of the charges that were placed upon it. But he contended that protection to the land was not protection to the agriculturist. Corn-laws afforded a protection to the landowners, whose estates were encumbered with the burthens of rates and tithes, but to the farmer they afforded no protection at all. Upon this point his argument was supported by the authority of his noble Friend (Lord Ashburton) as expressed in former speeches. [The noble Earl read copious extracts from speeches made by Lord Ashburton, in 1820, on the noble Lord presenting a petition from the merchants of London for free trade, and subsequent years to show that the noble Lord's opinions at that period were widely different from those to which he had now given utterance.] Speaking of opening the trade, his noble Friend seemed now to entertain very serious doubts whether, when we wanted a supply of corn, we should be able to obtain it. He seemed also to entertain considerable alarm of our becoming dependent upon foreigners. But were we not now dependent upon foreigners—had we not been dependent upon them for the last two years? Within that short period had we not imported 4,500,000 quarters of wheat? Hence it was evident that a supply was to be obtained when we wanted it. If we had imported 4,500,000 quarters of corn within the last two years, something must have been taken for it. It was said that we had paid for it in gold. Granted. What then? We did not grow gold—neither did we dig it out of the earth. How, then, did we procure it? By the sales of our manufactures in other countries. The importation of corn had been talked of as a dangerous thing. But we had been importers of corn for the last one hundred years. At the close of the 17th century a bill was passed giving a bounty on the export of corn. That bill was renewed in Queen Anne's time. For fifty years afterwards corn was exported to a very great extent, and continued annually to increase throughout the whole of that period. But at the end of those fifty years a turn took place, and a great importation succeeded to the previous exportation. In the course of three years the importation became greater than the exports, and from that period to this the importation had been going on in a constantly increasing ratio. This showed how completely fallacious was the argument that we could ever be independent of foreigners. Since 1770, down to the present time, in spite of our being engaged within that period in two great continental wars, the importation of wheat had increased; even in the year 1810, when Buonaparte was at the height of his power, a vast quantity of corn was imported from France. In 1815, the first Corn-law Bill was passed. The object of it was to exclude foreign corn, yet the importation went on increasing. Between the years 1815 and 1816 no less than 5,252,000 quarters of foreign wheat were entered for home consumption. In 1828 the act of 1815 was modified, and the present Corn-laws established. During the eleven years that had since elapsed, the average annual import of foreign wheat entered for home consumption was upwards of 900,000 quarters. So much, then, for the protection of the Corn-laws. The fact was, that the wants of an increasing population could not be resisted. Laws might be imposed to restrain the supply of food, but food would be obtained in spite of them. It might be said that as the Corn-laws did not protect the landed interest by excluding the importation of corn, they could not be regarded as doing any harm to the manufacturing and commercial interests. They did a great deal of harm, because though they did not prevent the importation, they only permitted it to take place in the most expensive, most inconvenient, and least beneficial manner. Here he begged to retrace his steps for a moment, for the purpose of showing that, during the period that the importation of foreign corn had gone on increasing, the average price had increased also. During the period that the exportations of wheat exceeded the imports the average price of wheat fell; but in 1750 the table turned—the importation began to exceed the exportation, and from that time to the present the average price rose. This would show, that the terror of reduced rents in consequence of a liberal introduction of foreign grain was a terror of the imagination, and was in no degree justified by an appeal to facts. He contended, that the great bulk of the population was supported by manufactures and not by agriculture; that the number of labourers employed in agriculture was annually diminishing, whilst the gross amount of the population was increasing; and he affirmed, therefore, that it behoved the Legislature to adopt such measures as should be most beneficial to those interests in which the great bulk of the industrious classes was now absorbed. As the present laws, while they produced the mischievous consequences which he had pointed out, did not accomplish the purposes for which they were framed, he asked their Lordships to vote for the motion of the noble Earl.

The Duke of *Richmond* would at that late hour make but a few observations, and should have refrained from making any, had he not been so pointedly alluded to in the course of the debate. He did not, however, feel any such disinclination as had been imputed to him to discuss the question whenever an opportunity offered, as he thought he had already proved on many occasions, and indeed he preferred discussing the question upon the presentation of petitions to a regular debate upon the subject, his early habits and education having taught him that a skirmish might sometimes be more advantageous than a battle. He denied that the object of the supporters of the Corn-laws was to keep up rent, and he could not agree with those who stated, that the manufacturing interest was arrayed in hostility against the agriculturists; he denied that the respectable part of the manufacturing classes wished to see all protection to the agricultural interest removed. It had been stated, that petitions to this effect had been presented from every chamber of commerce in the kingdom, and he was sure that the noble Lord who made that statement fully believed that it was correct; but had the noble Lord heard of a great body of men residing in one of the largest manufacturing towns in the country? Could the noble Lord find any petition which had been presented from the Chamber of Commerce of Glasgow? Last year it had been proposed to present such a petition, but the proposition had been rejected; it had been repeated in the present year, and with the same result. The anti-corn-law associations and chambers of commerce who had presented petitions had not ventured to say what their object was. Did they want cheap bread; or did they want cheap labour? What was the use of bread being cheap if the labourer had not the means of purchasing it? It had been justly said, that the question was not a landlord's question, nor a farmer's question; it was a landlord's, farmer's, and labourer's question. It was asked why their Lordships should not consent to an inquiry; his answer was, because they had information enough on the subject. The people to whom the inflammatory addresses of the anti-corn-law agitators were made did not know the respectability of the farmers of this country, but he knew it, and their Lordships knew it. The farmers were not such ignorant and bigotted persons as it suited the purposes of these speakers to represent them: they might not make so much noise or shout so many speeches as some among the manufacturing classes, but they were a well-informed and enlightened sort of people in matters that concerned them, and so capable of forming a correct judgment on matters affecting their own interests, that it would take a great many paid lecturers to persuade them that, burdened as they were with taxation, they could compete successfully with the foreign grower, who had no such difficulties to struggle against. A noble Lord had truly said, that it was of immense importance that this question should be settled; but if this were so, why did not the noble Viscount at the head of the Government take some decided course with respect to it, instead of leaving it to be an open question? Indeed, the noble Lord when he had said this seemed aware that he had gone rather too far, and corrected himself by saying that both parties exaggerated the effects of the Corn-laws. Now, this statement of the noble Lord might at all events be taken to be true, so far as regarded those who were of his own opinion. He believed this to be a landowner's, farmer's, and labourer's question. He had heard of many manufacturers and merchants who had made large fortunes, and he hoped they did not wish to kick down the ladder and to prevent others from being equally fortunate with themselves. He was sure their Lordships would not consent to a repeal of the Corn-laws, and they might rely upon it that nothing less would ever satisfy the manufacturers.

Lord *Brougham* said, he must even at that late hour, (a quarter to two o'clock), say a few words. It was said by the noble Duke (Richmond) that no inquiry was needed; yet, had the subtle speech of the noble Baron (Ashburton) not touched the facts of the noble Earl, the mover of the question? Said the noble Duke, "You assert, and I deny—and what's the conclusion?" "Therefore I am right?" Ought not the conclusion to be "Therefore we should inquire?" Had not last year's evidence been tendered at the bar? Had it not been refused? After that, whose fault was it that the motion was vague? Would their Lordships allow him shortly to ask what they intended to do? Were they about to say that they would not consider the question? If they acceded to this motion, they would give the country some reason to hope, that there was a chance of their reconsidering the question of the fixed duty and the sliding scale. He should be heartily rejoiced if he found that he had misunderstood the ground on which the motion of his noble Friend was rejected. The question was one upon which, at this moment, the people of this country felt an unprecedented interest. He regarded it as a good omen, that, on this occasion, the proposition of his noble Friend had the support of a portion of her Majesty's Government. His own opinion was opposed to "open questions" in the Government—but he rejoiced that on this question, if there was division in the Cabinet, the division was in their favour —and the next time the question came before their Lordships, there was the greater prospect of success. He must give a negative to the proposition of the noble Duke opposite, which was supported by a noble Lord connected with Essex, namely, that the present laws were supported, not because they had a tendency to raise the price of bread. He could understand them no otherwise; and the arguments which he had heard only convinced him, that such was the intention of those who supported them. Three or four noble Lords who had spoken in the course of the discussion, had severely attacked the "Anti-Corn-law league," and asked, "whether their object was to diminish the price of bread?" He (Lord Brougham) had had no connexion whatever with that body, although, about eleven months ago, he had had some very slight connexion with a body called the delegates. Yet he thought he might safely take upon himself to reply, that they had the intention of reducing the price of bread—that they did desire to see the loaf cheaper. [The Earl of *Falmouth:* They deny that they propose to reduce the price of corn.] He was not aware of that fact, and was speaking without any authority from the body which had been so severely attacked. In the course of the discussion a noble Friend behind him had expressed a doubt, whether it would be of any use to lessen the price of bread. He certainly did think it would be of use to the consumer of a commodity, that the price of that commodity should be reduced as low as possible, although in saying this he might labour under the disadvantage of differing from his noble Friend. But, added his noble Friend, if you lessen the price of bread, you must also lessen the rate of wages. Just as if the rate of wages depended upon the price of bread, and not upon the price of all commodities!—and not only upon the price of commodities, but upon the amount of labour in the market. But he owed an apology to their Lordships for even glancing at the subject at that late hour of the night, when their Lordships' patience, as well perhaps as their physical strength was exhausted; and in that exhaustion he regretted to say he participated very largely, not only from having been in the House for a greater number of hours than any of their Lordships, save the noble and learned Lord upon the Woolsack, but from his health not being in a condition to bear this exhaustion without prejudice.

Viscount *Melbourne* was well aware that even at an earlier hour of the evening, when their Lordships' attention was less exhausted than at present, it would be difficult for him to render such a subject as this either sufficiently attractive or full enough of practical interest, to entitle him to their Lordships' indulgence. Yet, considering the position which he occupied, the part he had before taken, the comments which had been made upon what he had said, and the interest felt in the subject, it was impossible for him to allow the question to go to a division without stating some of the grounds upon which he intended to vote against it. Indeed, upon the motion itself as presented to the House by his noble Friend, he (Lord Melbourne) had very little difficulty. For the noble Earl proposed that "it was expedient" to enter into an enquiry upon this subject. Now, he (Lord Melbourne) was distinctly of opinion that it was "inexpedient." Yet he would guard himself against being supposed to pledge himself to maintain the existing duties. He had never so pledged himself, nor did he mean to do so. This was no question of stubborn principle from which he could safely pledge himself not to swerve:—for considerations of various kinds of economy or of policy might arise not only to justify, but to render necessary the adoption of a different course. Yet, under present circumstances, he did not think it wise for Parliament to stir the question as they would stir it, if they adopted the motion of his noble Friend. But his noble Friend had said that all he asked for was inquiry.

Aye, but what would be the effect of consenting to an inquiry? Would it not be tantamount to a declaration that their Lordships were prepared to reduce the duty? It was well known that they had no intention of going into an inquiry with a view to raise the duty, and, therefore, to grant an inquiry would be to declare the expediency of diminishing the protection. It was not his intention to go into the subject at that late hour of the night; but he could not refrain from observing, that a very great injustice was done when it was stated, that the object of the law was to keep up the price at 80*s*. per quarter. Such, indeed, he recollected was the popular cry against the measure in 1815, but he could scarcely believe that any persons were deluded by it. He could not believe that any class of men believed, that the effect of the law would be, that the price could never be below 80*s*. Such a consideration had never been urged by those who proposed or who supported the measure—though it was urged by others to prejudice the measure in its progress. How far people might have been deluded by such an assertion, it was impossible for him to say, as there was no accounting for the folly of mankind. But, he could not think, that those prudent Scotch farmers of whom his noble Friend had spoken, had taken farms under the impression that they would enjoy such a protection as would keep the price to 80*s*. His noble and learned Friend had been very bold and confident in his assertion, that no land would be thrown out of cultivation by a reduction of the duty, or, that, except in some few instances, rents would not be reduced. He placed but little confidence in those predictions. He remembered in the currency discussion it had been forcibly urged that the measure would be only equivalent to a charge of three per cent., and he remembered that this argument had considerable weight in the House of Commons. Yet he believed he was not wrong in saying that that measure—from which, however, he should be now very sorry to recede—had led to a great deal of the subsequent pressure. People overlooked the effect of the restriction—it was not overlooked, however, by a noble Friend of his on the opposite bench, and the recollection of this made him (Viscount Melbourne) very unwilling to adopt violent measures upon the *ipse dixit* of any man, that its effect would be but slight. He could not dismiss from his mind the apprehension that it was unwise to rely entirely for the maintenance of a great portion of the population upon a foreign supply. In that opinion he had the support of Mr. Van Buren. The United States, with a great and yearly increasing population, with almost an unlimited amount of land which yet remained to be brought into cultivation, might be supposed to be in less danger than any other nation in the world; but Mr. Van Buren was of opinion that it would be unwise to rely upon a foreign supply of food for the people of the United States. Mr. Van Buren was a sensible man, his opinion was entitled to great consideration; but this was not his opinion alone, but that of a great portion of the people of that flourishing nation. Mr. Van Buren was a great Magistrate, and he (Lord Melbourne) entertained the greatest respect both for him and for the people over whom he presided; and he was justified in believing, that he would not have expressed such an opinion, if it had not agreed with the opinions of a great portion of the people of the United States. He had a great doubt, therefore, whether, looking at this question in a financial, commercial, or political, point of view, it would be wise or prudent to enter upon the consideration of it at the present moment. But even if he were convinced that, on the whole, the change would be advantageous to the country, yet, considering the position in which the question stood, the feelings which existed, the manner in which parties were divided on it, he thought it would be imprudent and inexpedient to go into the consideration of it under present circumstances. If he could be convinced that it was safe and just at once to do away with protection, to adopt a perfectly simple state of the law upon this subject, and to have an importation of corn entirely open and free of duty, he should then be inclined to propose or advocate inquiry. His noble friend had carefully abstained from stating what it was that he meant to do—whether his object was to have a fixed duty, or a diminution of the present ascending and descending scale; but whichever of these alternatives was his noble Friend's plan, as he saw clearly and distinctly that that object would not be carried without a most violent struggle, without causing much ill blood, and a deep sense of grievance, without stirring society to its foundations, and leaving behind every sort of bitterness and animosity, he did not think that the advantages to be gained by the change were worth the evils of the struggle, by which their Lordships might depend on it the change could alone be effected. They had seen great changes at no distant period—changes which had stirred society from the bottom, which had excited man against man, divided the whole country into parties, and left behind the deepest feelings of discord and enmity. He, for one, was not for adding to those feelings, by rashly adventuring to stir and agitate them, and upon those general grounds he felt himself justified in saying "no" to the motion of the noble Earl.

Their Lordships' House divided.—Content, Present, 34; Proxies, 8; 42:—Not-content, Present, 127; Proxies, 67; 194. Majority 152.

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Bishop of Exeter	Bishop of Norwich
Lord Saye and Sele	Earl of Thanet
Lord Bayning	Marquess of Anglesey
Lord Dunsany	Lord Cloncurry
Lord Feversham	Earl of Scarborough
Lord Poltimore	Lord Methuen

HOUSE OF COMMONS,

Thursday, June 11, 1840.

MINUTES.] Bills. Read a first time:—Isle of Man; Timber Duties.

Petitions presented. By Mr. T. Duncombe, Sir G. Strickland, and Sir William Molesworth, from York, Leeds, and other places, for a Mitigation of the Sentence of Mr. F. O'Connor.—By Mr. H. Berkeley, from a Dissenting Congregation in Bristol, against Grants for Church Extension.—By Sir E. Filmer, from Gravesend, against Grants to Maynooth College.—By Mr. Gillon, from Perth, against Church-Rates.—By Mr. Villiers, from several districts in the Metropolis, for the Repeal of the Corn-laws.—By Mr. Clay, from Spitalfields, against the Poor-law Amendment Bill.—By Lord Clements, Mr. Litton, and Lord Stanley, from Wigan, Wicklow, Stratherne, and other places, in favour of Lord Stanley's Irish Registration Bill.—By Mr. Litton, from Ballyrowan, against further Grant to Maynooth.—By Mr. Kemble, from the district of St. Mary's Chapel, Lambeth, for Church Extension.—By Mr. A. White, from the Corporation of Sunderland, against Church Rates.—By General Lygon, from a place in Worcestershire, against Trading on the Canals on the Sabbath; from the Archdeaconry of Worcester, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Goulburn, from Residents in Cambridge University, for Abolishing the use of Climbing Boys.—By Sir W. Molesworth, from places in York, for the Abolition of Church Rates, and Ecclesiastical Courts.—By Sir G. Clerk, from a Parish in Rutland, against any Grant to the College of Maynooth, and against Roman Catholics having Seats in Parliament; and from Stamford, for the removal of the Law Courts to more convenient situations.

ATTEMPT TO ASSASSINATE HER MAJESTY.] Lord *Stanley* said, that having given notice of his intention to move the Order of the Day at five o'clock for going into Committee on the Registration of Voters' Bill (Ireland), he should have risen for that purpose, but that he understood the noble Lord opposite would have to make an announcement to the House upon a subject, with reference to which there could be no feeling but one of entire unanimity upon all sides of the House. It was extremely desirable that such a subject should not be mixed up with any party feeling; and he therefore abstained, for the present, from moving the order of the day.

Lord *J. Russell* said, that the noble Lord had accurately anticipated his intention, which was to move an Address to her Majesty on the late atrocious and treasonable attempt. As on some previous occasions there had been a joint Address of both Houses of Parliament, he thought it desirable in this instance also to take a course in which both Houses would at once agree—a course which he held to be preferable to proposing a separate address. It was the intention of the noble Viscount, the First Lord of the Treasury, to ask the consent of the other House of Parliament to an Address to her Majesty, and, if that Address were adopted, they should take measures to present to her Majesty a joint Address accordingly.

Messengers from the Lords desired a present conference with the House of Commons. A conference was accordingly held, and after a short time,

Lord *J. Russell* appeared at the bar, and said—" I have to report to this House, that the manager of the conference on the part of their Lordships was his Royal Highness the Duke of Sussex, and that the subject of the conference was to acquaint this House that their Lordships, in consequence of a most atrocious and treasonable attempt on her Majesty's person, had taken that attempt into consideration, and agreed to an Address thereon, to which Address their Lordships desire the concurrence of this House."

Address read.

Lord *J. Russell* again rose. I can expect but one universal feeling of indignation and horror [*loud cheers from all sides*] at the attempt recently made upon the life of her Majesty—but one universal feeling of congratulation to ourselves and to her Majesty, and to her Royal Consort, that they have escaped the danger with which they were threatened, and but one unanimous desire to concur with the House of Lords in carrying these our humble sentiments to the foot of the Throne. I have to state to the House, that yesterday afternoon, as her Majesty was proceeding from the palace, immediately after leaving it, this most atrocious and treasonable attempt was made by the firing of a pistol, and after the lapse of about half a minute by the discharge of a second pistol, her Majesty and Prince Albert being then in the carriage, and proceeding on their usual drive. Most fortunately this attempt was not attended by any result dangerous to the person of her Majesty, of her royal consort, Prince Albert, or of any individual whatever. Her Majesty immediately afterwards proceeded on to the House of her august mother, in order to relieve her mind from the anxiety into which it might have been thrown by the circulation of reports, more alarming than the reality; and she then proceeded on her return, showing herself in her usual manner to her subjects, and affording a proof at once of her safety and of the kindness and fortitude of her character. With respect to the individual who has committed this most treasonable offence, this certainly is not the time upon which it would be right for me to say anything. Examinations have taken place, and those examinations have resulted in a charge against one individual, who will have to take his trial according to those laws of his country which give to every person the benefit of a fair trial, whatever may be his offence, and against whomsoever it may be committed. I shall only proceed to say, that we can but concur in the resolutions and Address which have been agreed to by the Lords, and that I am sure this House will most readily and most thankfully join with the other House of Parliament in expressing both our joy at her Majesty's happy preservation from so great a danger, and likewise in offering up our earnest prayer to Almighty God that he will preserve to us the blessings which we enjoy under her Majesty's just and mild Government, and continue to watch over a life so justly dear to us. I beg to move that this House do concur with the Lords in the address to which they have agreed.

Sir *R. Peel:* Sir, this is one of those occasions on which it is impossible not to feel that language is a very imperfect medium for conveying the sentiments to which events give rise. I therefore shall content myself, in seconding the noble Lord's motion, with expressing, on the part of those with whom I have the satisfaction of acting in public life, our unanimous concurrence in the sentiments which the noble Lord has expressed of horror and indignation at this atrocious crime, of heartfelt congratulation at her Majesty's escape, and of a wish to join in an earnest prayer that that same protection which has warded from her Majesty the danger with which she was threatened, may continue to defend her from all future dangers.

Mr. *James* said, that on this distressing occasion he was sure it would afford the highest gratification not only to the House, but to the public generally, to receive from the noble Lord the assurance, which he hoped and trusted the noble Lord would be enabled to give, that her Majesty's health had not materially suffered by the excitement and agitation which must necessarily have been, more or less, created in her Majesty's mind by this outrageous, shocking, and diabolical attempt at assassination. Perhaps his noble Friend would also be kind enough to inform the House whether evidence had been adduced at the Home-office criminatory of any other parties, in order to satisfy the public mind on this point.

Lord *J. Russell* had no hesitation in answering that, as to the first question, he had had the honour of an audience of her Majesty two hours before, when he had received from her Majesty's own lips the assurance that her health had not suffered. As to the second question, the hon. Gentleman would himself see that it was not a proper one to answer.

Mr. *Plumptre* said, there was a deep feeling in his mind, which he trusted would be responded to by the country, that there ought to be some public expression of thankfulness to that God to whom we owed the preservation of her Majesty's life. He would suggest that a form of thanksgiving should be prepared to be used generally throughout the country.

Lord *J. Russell* said, if he declined saying anything on that subject at present, he begged the hon. Gentleman would not suppose it was because he did not feel deeply the importance and value of his suggestion.

Motion agreed to *nem. con.*, and Lord J. Russell appointed to carry a Message to the Lords to acquaint them with the concurrence of the Commons. It was ordered that the whole House do to-morrow wait on her Majesty with the Address.

REGISTRATION OF VOTERS. (IRELAND).] On the Order of the Day for the House to resolve itself into a Committee on the Registration of Voters (Ireland) Bill,

Mr. *C. Wood* observed, that it would not be necessary for him to trouble the House with many remarks on the important motion he had now to submit, of which he had only given notice last night. The object he had in view, was, he thought, sufficiently evident from the terms of the notice he had given, and he should carefully abstain from speaking of the provisions of any of the Registration Bills now before the House, because, he was fully aware, if he were to do so, that it would lead to a discussion, which would probably be characterized by some of that excitement and party spirit, to avoid which was the sole object of the motion he was about to make. That this question of registration, the most important almost in a constitutional point of view, that could be discussed, and of the most vital importance to those who sent them there, ought not to be treated in a party spirit, he had, he thought, given sufficient, and to him, most painful, proof. It was in the same spirit which had dictated his conduct on a former occasion that he now ventured to bring forward a proposition, which, in his opinion, at least, afforded, if not the only, at least the best, chance of discussing those provisions in that calm and temperate manner from which alone any safe legislation could result. He had expressed an opinion formerly, that it would not be difficult to alter the bill of his noble Friend, the Member for North Lancashire, in such a manner as to render it unobjectionable and efficacious for the object which the noble Lord wished to attain, to alter it so as to make it conformable to the principles which his noble Friend, the Secretary for the Colonies, had laid down as the basis of the measure he proposed to introduce for amending the registration of Ireland; and, he need scarcely say, that in voting for going into Committee on the bill, he did so with the object of seeing such amendments introduced. That opinion he still maintained, and he had acted upon it, because he believed that the bill so amended, would stand a better chance of passing into law than any other that could be introduced, and that thus a remedy would be applied to an acknowledged abuse. If those amendments should not be introduced, he was prepared, at all hazards, to vote against the passing of the bill. The question the House should now consider, was, whether in the discussion of the provisions of the noble Lord's bill, there would be any chance of a fair and temperate spirit being shown, and he might say, he trusted without offence to any one, that considering the excitement which had prevailed on the subject of this bill, and the temper that was still manifested, it would be vain to expect that such should be the case. Many provisions relating to registration, applied equally to England and to Ireland. The questions whether costs should be awarded against a frivolous objection—whether an appeal should lie as to matter of fact, as in both the Irish bills, or as to matter of law, as in the English bill—whether both parties should have a right of appeal —whether costs should be given against the respondent as well as the appellant—what should be the nature and constitution of the appeal court—whether the decision of the court should protect the voter against a re-examination of his claim, except as to the matters subsequent to registration—whether the decision should be conclusive against the House itself, were applicable to both bills, and to both countries, and it was of the utmost importance that they should be temperately and calmly discussed. It was evident that they must necessarily come under discussion in connexion with the bill that was first brought before the House. He would appeal to the noble Lord, whether it would not afford a better chance of a temperate and reasonable discussion, that those provisions should be discussed on English rather than on Irish ground. How far they might be able to agree, even on English ground, as to what provisions should form the basis of a registration system, it was not for him to say, but he was sure that whatever might be the shape of the English bill, there could almost be no objection to apply it to Ireland. They would thus have made one step to a most desirable object—that of assimilating the laws of both countries. This was the sole object he contemplated in bringing this motion forward, but he was afraid he could not entertain a hope that his noble Friend would be disposed to acquiesce in it. He need hardly assure his noble Friend, that he at least had no other object than that a fair discussion on those measures should take place, and he was convinced his noble Friend intended that in the Committee, there should be such a discussion. He had only further to say, that his notice applied in the first instance to the bill of his noble Friend, the Member for North Lancashire, and then to that of the Solicitor-general, for Ireland, and he believed he could state that his noble Friend, the Secretary for the Colonies, was prepared to acquiesce in the motion. His object was to leave both bills in their present relative position, but to postpone them both till the House had passed the English bill through a Committee. He would not trouble the House further, except to say, that he had no opportunity of communicating with any body who might support his motion, nor did he know who might do so. He had received an intimation from the noble Lord, the Secretary for Ireland, that it was not the intention of Government to offer any further opposition to going into Committee on the noble Lord's bill, and he had mentioned his intention to the noble Lord, the Secretary for the Colonies, for the first time in that House last night at five o'clock. He brought forward the motion with the single object of securing fair discussion to the questions which were common both to the English and the Irish bill, and, whatever might be the fate of his motion, he should at least have the consolation of knowing, that he had done his best to attain that end. The hon. Gentleman concluded by moving, as an amendment, that the order of the day for the second reading of the Registration of Voters (England) Bill (No. 6) be read before proceeding further with the Registration Bill for Ireland.

Lord *Stanley* was quite satisfied, that debating over and over again the same question, in order to obtain the advantage —the advantage only on this occasion he meant—of the Speaker leaving the chair, tended rather to delay business than to secure fair and temperate discussion. He gave his hon. Friend, the Member for Halifax, the fullest credit for the declaration, that he had no other object in view than a fair and calm discussion of the questions that related both to England and Ireland, but having said thus much, he must add, that if there was a single form of motion calculated, if successful, to prevent the discussion of his bill, and quietly to shelve it without exposing the House to the necessity or the risk of giving a vote against the principle or any of the details, that precise course was the one which had suggested itself to his hon. Friend, the Member for Halifax. His hon. Friend said, it was impossible to discuss calmly and temperately on the Irish bill those provisions which he thought might be so discussed with reference to the English bill. He thought his hon. Friend would do him the justice to say, that so far as he was concerned, he had been most anxious to remove from the discussions which had taken place everything like irritation. He had been attacked with personalities which he had declined to answer—he had sedulously avoided the employment of a single irritating word to any Gentleman. His only object was, that the House, by going into Committee, should have the opportunity of doing that which the hon. Member for Halifax himself said might be done—of amending the bill as it now stood in such a manner as to render it acceptable to the great majority of the House. But to suppose, that the questions would be more temperately and fairly discussed, while they were nominally occupied with the English bill, when English and Irish interests would be at the same time in the mind of every man, and both would be virtually discussed at once, was, in the present condition of parties, or, he was afraid, in any condition, to entertain a very chimerical expectation. Now, if the proposition of his hon. Friend, the Member for Halifax, had been made on the part of her Majesty's Government in the commencement of the month of March, and her Majesty's Government had then come forward and said, "We admit the grievances of the present system of registration, but we also think that the question of a remedy is open for discussion on various points, and we wish those points to be settled for England and Ireland, and will undertake to propose a settlement of the principles which should guide the system of registration," he should have had no hesitation in saying, that he considered this the most convenient course that could be taken, and he would gladly and willingly have agreed to any arrangement of the kind, as likely to lead to conclusions which must be advantageous to the country at large. But what was the condition in which the question stood now? In what way, and at what time, was the bill proposed by the Government brought forward? How was it announced, and what were the intentions with which it was framed? Why, it was confessed, it was avowed, that it formed a convenient excuse for delay, and that it had been brought forward for the exclusive purpose of postponing his own bill, to the principle of which, on two different occasions, he had obtained the assent of the House. But, late and lagging as was the bill of the noble Lord, the Secretary for the Colonies, the Solicitor-general for Ireland was yet behind even that in his introduction of the two bills which he had proposed for Ireland, and the House would readily share in the belief expressed by his hon. Friend the Member for Halifax, when he said, that he had no doubt that the Solicitor-general for Ireland would be perfectly ready to acquiesce in his motion. He could feel no doubt, that the motion of his hon. Friend would lead to no other result than was anticipated and pointed out in the declaration of the hon. and learned Member for Dublin, who said, that he owed a large debt of gratitude to the noble Lord, the Secretary for the Colonies, for the introduction of his measure, and that result would be the hanging up of his bill till such time as it should please the noble Lord, the Secretary for the Colonies, to bring forward his registration bill for England. He felt, considering that this day was the 11th of June, that it was utterly impossible that his own bill, or the bill of the Solicitor-general for Ireland, should pass into a law in the present Session if the motion of his hon. Friend were successful, and therefore, that both one and the other would remain, as his hon. Friend had said, in their present relative position. But, passing over these considerations, was it quite right, that this question relating to Irish registration should be dependent on the English bill? No doubt there were many principles applicable to the English system of registration which it would be convenient to discuss in reference to Ireland. Thus, it might be a question, whether the registration should be annual or octennial; it might be desirable to consider in both cases whether there should be a right of appeal, and it might be convenient to determine how the court of appeal should be constituted, and what sort of court they ought to establish for that purpose. No doubt a question might arise in reference to both countries, whether it would be desirable to give costs against frivolous objections, and whether that principle might not safely be extended to frivolous claims, as well as applied to cases of frivolous objections. These, however, were questions which might be considered by themselves, and were not of paramount importance in reference to the system of Irish registration. Whatever might be the grievances of the English system, they were not of the same magnitude as the crying and acknowledged evils of the Irish system of registration, which no man had attempted to defend, and which had called out aloud for a remedy for the last seven or eight years. Knowing, however, the difficulty of providing a remedy for the enormous perjury, personation, corruption, and fraud, practised under the Irish system of registration—["*Hear.*"]—these were hard words, but he would repeat them—knowing, he said, the difficulty of providing a remedy for the fraud, corruption, personation, and perjury, which prevailed in Ireland—["*Hear.*"]—they had over and over again been proved before Committees of that House; before, for instance, the Committee on Fictitious Votes, and the challenges thrown out to those who wished to deny it had never been answered—knowing this, he considered it his duty to proced at once with his measure. While this enormous charge had been proved to be inseparable from, and engendered by the Irish system of registration, no man had ever brought forward such accusations against this part of the country. There was no connexion, therefore, between the English and the Irish bill, and, consequently, there was no necessity for hanging up his measure until the bill of the noble Lord, the Secretary for the Colonies, had been discussed. Admitting, however, that such a connexion had been shown to exist, then he would say, that it was the bounden duty of the House to enter into a discussion of the greater evils first, and to deal with details and principles which did not apply to the less imperfect system of England. If, however, his bill were deferred now, it would be postponed from week to week till it suited the convenience of the noble Lord to bring forward his plan for amending the system of English registration, and, seeing as he did, the end of the Session approaching, knowing also, that nearly all the necessary votes had been passed, and recollecting, that the Government held in their hands the power of prorogation, he was sure, that although his bill might stand on the order-book of the House, he should feel, that it would stand there without a chance of that success to which two divisions in its favour had entitled it, at least in point of principle. He must on these grounds oppose the motion of his hon. Friend.

Mr. *J. Grattan* said, that he felt this was a very vital bill to Ireland; and he looked upon it in no other light than one of disqualification and disfranchisement. On a former evening a noble Lord opposite had mentioned some cases of personation as having occurred in the county of Wicklow, and giving as his authority the name of a Mr. Sims. Now he (Mr. J. Grattan) had since written to Mr. Sims on the subject, who, in reply, informed him that he knew nothing of the facts complained of, and that they could not have occurred without his being informed of them, and therefore that he did not believe they had occurred. Another individual, a clergyman, had written to him to the same effect on the subject. With respect to certain fictitious votes, also complained of by the same noble Lord, he had been assured by the same individual he had just mentioned, that he did not know of one fictitious vote in the county. Looking at this information, he could not but come to the conclusion that the noble Lord's statement on this subject was totally incorrect and unfounded. With respect to the motion of the hon. Member for Halifax, he (Mr. Grattan) should vote for it, because he thought that the House should begin with correcting abuses here before going to Ireland; but he could not agree to any motion, the effect of which would be to postpone the consideration of this important subject *sine die.*

Viscount *Powerscourt* thought himself entitled in courtesy to have an intimation of the communication before it was made to the House. He had mentioned the name of the individual who informed him, and he now stated his belief that the facts then alleged had occurred. They were the subject of common conversation in the country.

Lord *J. Russell:* The noble Lord has assumed that he has shown an example of temperance and moderation which ought to be followed, and at the same time time he has accused me of having pursued a disingenuous course, and he has accused generally those who claim the franchise in Ireland of fraud in every shape and degree. Now, sir, I think that the defence devolves on me to show that I am not liable to the reproach which the noble Lord utters against me. The noble Lord knows that with respect to the registration in England and Ireland the Government has introduced several bills to this House. The noble Lord must also be aware, that there is distributed at the end of every session a pamphlet, bearing the name of Lord Lyndhurst. And the whole substance of those pamphlets consisted of this accusation, that we passed bills, and sent them through this House, without agreeing to the amendments which their Lordships made; or that we sent them in such a shape as not to accord with the opinions of their Lordships. I certainly cannot go the length to which that noble Lord on a former occasion seemed disposed to proceed, namely, that whenever our opinions differ from their Lordships, we ought to relinquish our own, and adopt the views of their Lordships. Their opinions may be the best or they may not, but for my part I am not prepared to say that it would be best for the welfare of the country that we should declare our readiness to take such a course. But this course I was prepared to take, seeing the time which was lost in passing bills which, after a great deal of discussion, were rejected by the Lords; and seeing that we thereby were deprived of all chance of carrying them into effect, I was prepared to take such subjects into consideration as it seemed requisite, as it seemed useful, and, in some cases, as it seemed absolutely essential to legislate upon, and to do so on principles not so different as would prevent the two Houses of Parliament from agreeing in one course of legislation. With this view I took the subjects relating to Canada which pressed for attention. I took the question relating to the poor law for England, and I took the question several times before Parliament relating to the reform of ecclesiastical affairs. I was prepared after these bills passed to ask this House to sanction such measures as I might think it right to bring forward with regard to the registration of voters, but which I certainly should not have brought forward in such a manner as suited the House of Lords, or with any intention of abandoning the opinions which I stated on the Reform Bill. Now, the noble Lord chooses to adopt a totally different course. He chooses to think that the evils of the registration system in Ireland are of such a character as press for attention. That is the opinion of the noble Lord; but that does not render it necessary for me to change the course which I have declared it my intention to pursue, when I declared in March that I should not introduce before Easter any measure on the subject of registration, but that I should introduce other bills which I meant should be proceeded with. With respect to the question now proposed to us by the hon. Member for Halifax, and considering that the whole vitality of this bill is owing to the hon. Gentleman, I think his proposition has been very ungraciously received by the other side. With respect to that proposition, I think it far more likely to lead to an amendment of the system of registration than that now proposed by the noble Lord. I at once say, that if I had been allowed to proceed with Government measures on the many days which, being fixed for orders, were taken up by motions coming from the other side, and which I had asked the House to give me for bills proposed by her Majesty's Ministers, I should then have proposed with regard to registration, first, a bill with regard to the registration of England, and then a bill as to the registration in Ireland, because, not to mention other points on which my hon. Friend (Mr. Wood) has spoken, there is this very important question to be decided, namely, whether you think it right, after the experience we have had in England, to continue the annual system of registration, to make the franchise good for one year only, and at the end of that period to enter upon a re-investigation of every claim, or whether you prefer the system (the principle of which has been adopted in Ireland), namely, that the validity of the franchise being once ascertained, the holder of it should continue for a certain period in possession of it, even for a more extended period than that allowed by the practice in Ireland. That is a most important question, and it is one which calls for a decision as respects England. That is the most honest and best way of testing the proposed remedy. The noble Lord, however, in his bill, takes for granted that the English system ought to be adopted, and he at once proposes in his bill for Ireland an annual re-investigation. I say we are bound, in the first place, to decide whether the change adopted on the occasion of the Reform Bill is free from vexatious impediment to the voter, and whether it ought not to be altered. But if it ought to be altered, then surely we ought not to apply to Ireland that system which you have yourselves repudiated for England. If, on the contrary, you think it best to continue the present system in England, no doubt a great deal of the force of the objections now urged against its application to Ireland, will be taken away by that decision of this House. But my opinion is, that you ought to alter the English system. I would rather maintain in Ireland the system so far as it goes, and continue the voter for eight years on the register than subject the Irish to the vexations of the annual revision. Even supposing my own proposition to be rejected, I think the existing practice in Ireland far preferable to the plan submitted in the noble Lord's bill. Now that being my opinion, I shall certainly give my support to my hon. Friend the Member for Halifax. The noble Lord (Lord Stanley) can't call on me, on the order of the day, to have his motion first taken into consideration, because, as I have already said, three order days before Easter were taken up by party motions; and the Government, having given way at that period, were promised precedence after the 1st of June. But the noble Lord, having forced on a party motion, sets at defiance the proposition which I now make, and seems to think that his Irish Registration Bill, and his bill only, shall be made the subject of consideration in this House. With regard to the bill itself, I don't wish to re-argue the question whether it is good or injurious. My opinion on that subject remains unchanged. I confess that various evils exist in the registration of Ireland. I own I don't think, after all the noble Lord has said, that his bill remedies all, or even the principal evil effects of the registration in the two countries; and I very much doubt, with regard to one part of the question, whether, after all, the Irish registration does, in effect, produce a set of voters not entitled to represent the people of Ireland. The whole object of a system of registration is to get a list of voters qualified to be representatives of that part of the country for which the registration is proposed. I certainly do not know, with regard to Ireland, that the Irish Members or constituent bodies at all less fairly represent that country than the English Members do the inhabitants by which they are chosen. The question of registration is a most important one. Much depends on it; and while it is possible, on the one hand, to admit voters not entitled to the franchise, it is just as possible to institute a vexatious system, professedly with the view of giving the right of voting in a large, equal, and extended sense, which will narrow the franchise in the greatest possible degree. Entertaining these opinions, I give my hon. Friend's motion my cordial support.

Sir *R. Peel* remarked, that the hon. Member for Wicklow had declared that he would on no account give his assent to any motion which would have the effect of postponing *sine die* the consideration of his noble Friend's measure. Now, he asked whether, after the speech of the noble Lord, the Secretary for the Colonies, it was possible for him to vote for the proposition of the hon. Member for Halifax? The noble Lord had given the House no assurance that he would proceed with the English Registration Bill, and protested against his noble Friend's having taken Thursday for the consideration of his measure. The noble Lord attached greater importance to other reforms. The noble Lord said distinctly that they ought to have precedence, and, if so, he did not see how the hon. Member for Wicklow could vote for a proposition which must have the effect of postponing *sine die* the consideration of his noble Friend's measure. He hoped that the House, after having had three discussions upon the bill—after having twice assented to the bill—and after having decided that it should go into committee for the purpose of fairly meeting any objections which the noble Lord might have to make to the curtailment of the franchise, and of hearing the reasons by which he could sustain his objections, would regard its own character and act consistently, and would decide upon going into committee, in order to see whether the bill could or could not be improved and rendered an acceptable measure. The noble Lord had said, that the hon. Gentleman who had proposed the amendment had given vitality to the bill. If that were the case, he must say that there could scarcely be a more unkind parent than the hon. Gentleman. If the bill owed its vitality to the hon. Gentleman, less concern for his offspring no parent had ever exhibited. The hon. Gentleman must indeed be perfectly aware that the effect of the course he was taking would be to smother the bill. Seriously speaking he was surprised at the course pursued by the noble Lord. The noble Lord had never intimated, either in this or in any preceding Session, that he thought the consideration of the Irish registration should be made contingent on the improvement of the English registration; that was a perfectly new idea. After five or six years' consideration of this question, never, until five o'clock on the previous afternoon, did it once occur to the noble Lord that he ought to vote for the postponement of the consideration of the Irish registration until the English registration should be improved and settled. The noble Lord had been connected with legal authorities who had had the subject of the Irish registration under their consideration. Did it ever occur to him that he should not proceed with that question until the English registration was finally settled? Never. In some cases measures relating to this subject had been brought forward and carried under the advice of the noble Lord's legal friends and advisers, but it never before occurred either to them or to him that the question of the Irish registration should not be touched until the English question was first settled. Even during the course of the present Session, when every argument had been advanced, for and against proceeding with his noble Friend's bill, from either side of the House, this idea never once occurred to the noble Lord's mind. Nay, if he were not incorrectly informed (and he did not think that the noble Lord would contradict him), up to five o'clock on the previous evening, after having had a full opportunity for considering the question, after having heard all the discussions which had taken place upon it, the idea had never struck the mind of the noble Lord that the Irish Registration Bill should be postponed until the English one was settled; and he (Sir R. Peel) thought he could state with confidence, that up to five o'clock on the preceding evening the noble Lord intended to vote for going into committee on the Irish Registration Bill of his noble Friend. Was not that strong *primâ facie* evidence that this bill should be proceeded with? In fact, by consenting to the new and strange proposition of postponement, they would place the whole question of Irish registration at the mercy of the noble Lord, because the noble Lord, deeming the Irish question to be an extremely inconvenient one, might delay the English question in order to keep the other back, and in fact, to vote for the motion of the hon. Member for Halifax, would be to put off the Irish question, as he had said before, *sine die*. The noble Lord seemed to dissent from that, but did not the House clearly perceive that such must be the inevitable result of the proposed postponement? He thought the House would show great disrespect for its own decisions, if they gave any countenance to that proposition. But was there any ground for making it? Compare the two questions. The English Registration Bill and the Irish Registration Bill proceeded upon very different principles. The constitution of the tribunals in each was different. The noble Lord proposed for Ireland the appointment of assistant-barristers by the Crown. But the Speaker was to appoint fifteen English barristers. Here then was one material difference between the English and the Irish bills; and there were several minor differences. His noble Friend had been most unjustly charged, when speaking of the defects of a system, with having accused the whole of the Irish voters with a disposition to commit fraud and perjury. He did not understand his noble Friend to say so. His noble Friend had said, that under the present system there were frequent instances of perjury and fraud. That was quite a different thing from saying that there was a general disposition to commit fraud and perjury. His noble Friend referred to the evidence taken before the Parliamentary committee, not for the purpose of fixing a general charge upon the Irish constituency, but only to point out instances of fraud and falsehood arising out of the defective state of the present system. There were, no doubt, some common elements in respect to which the bills were alike, but there was a great difference in many important particulars. He wished to ask, therefore, why they could not discuss the question as to the exclusion of the jurisdiction of the House of Commons and the making of the registry final with an Irish bill, as well as with an English bill, before the House? The question whether the registration should be final or not was a most important one to both countries. What chance was there that the debate on that question would be conducted in a more mellifluous tone upon an English bill than upon an Irish question? Seeing that every opportunity had been already had for discussing this question, and seeing that the hon. Gentleman, though disclaiming any wish for an unfair discussion, had thought it right by another general trial of strength to call upon the House to decide again upon the question of going into committee, he trusted that the House of Commons would never consent to follow a course which would have the effect, by implication, of postponing *sine die*, indefinitely, and without the prospect of success, the consideration of a subject which by two divisions it had previously declared to be worthy of inquiry and legislation.

Viscount *Palmerston* rose for the purpose of setting right a misunderstanding of what had fallen from his noble Friend on the part of the right hon. Baronet, who had said that never until this year had it occurred to his noble Friend, or to any of her Majesty's Government, he supposed, that the question of the English registration ought to be settled before that of the Irish registration. Why, the fact was, that never until the present Session did it occur to any man to bring forward such a measure, as that of the noble Lord, for correcting the voting lists of Ireland. Again, nothing could be more unlike what his noble Friend meant than the impression which the right hon. Baronet seemed to have taken, that he wished to postpone the Irish registration *sine die*. His noble

Friend had said no such thing. His noble Friend had said that which was perfectly rational,—first settle what shall be the principle of registration for England, and having settled that, you can then proceed much more conveniently, and probably with much more chance of a temperate discussion, to the consideration of the Registration Bill for Ireland, than if you went immediately into all the contested points of that second question. So far from postponing the subject *sine die*, his noble Friend wished the English registration to be corrected first, and nothing had fallen from his noble Friend which could be justly construed as implying that he would not be prepared immediately afterwards, and during this Session of Parliament, to go into the consideration of the Irish registration. On these grounds he should support the amendment of his hon. Friend, the Member for Halifax. It would be safer for the House to establish a sound system of registration for England first, and then proceed to legislate for Ireland. There were not wanting precedents for this course. For several years attempts were made to introduce Poor-laws into Ireland. What was the course pursued? The subject was postponed until after the English Poor-law Amendment Act was passed; and, having corrected the abuses in the administration of the English Poor-laws, then the Legislature proceeded to deal with Ireland. They ought to endeavour, if they wished the same general system to apply to both countries, to make the English registration as perfect as they could, and not with all its defects, and even with a great aggravation of its defects, apply it to Ireland.

Mr. *Callaghan* denied that the charges of corruption, fraud, personation, and perjury, which had been made against the Irish constituency could be maintained. They were not supported even by the evidence taken before the committee to fictitious votes; and he did not believe that since the Reform Bill was passed into a law there had been a single instance of corruption proved against a single Irish voter before the committees for trying election petitions. Whatever irregularities or improprieties there might have been, they were not greater nor more numerous than those which had taken place in England.

Viscount *Howick* observed, that it had been said on the other side of the House, that if his hon. Friend had wished to evade the consideration of the bill in committee, and to save the House any further trouble with it, he could not have taken a surer course to accomplish that object; but there was no ground whatever for that assertion. He confidently asserted, that both his hon. Friend and himself had proved by their conduct on a former occasion that they were not disposed to evade by any unfair and improper means the consideration of the abuses of the present system of Irish registration in a committee of that House. They were anxious that the bill of his noble Friend should be submitted to a fair and impartial consideration, because they believed that thus the bill might be made advantageous both to Ireland and to this country, and rendered instrumental in removing the evils complained of without unduly restricting the franchise. But it was asked, what reason was there to believe that the question could be considered more fairly and impartially with respect to England than with respect to Ireland? There was this reason: it was asserted on one side of the House that their opponents had an interest in maintaining in Ireland fraudulent and fictitious votes; and on the other side of the House it was affirmed that their political antagonists desired to restrict very greatly the franchise, and to transfer it from the hands of one party to another. These were the conflicting assertions which emanated from each side of the House. Hence every question of the registration was discussed with reference to that covert and insidious intention which one party imputed to the other, and which, though it was thought prudent to conceal, was always supposed really to govern the votes and proceedings of each party. But, as far as the English question was concerned, it might reasonably be hoped, he thought, that they were not yet reduced to that condition of mere partisanship. He did not believe that either of the great parties which divided that House and the country had any great desire to restrict the franchise in England, or to impose unnecessary and vexatious delays in the way of acquiring the franchise in the English counties. He did not believe the same state of things existed in England which existed in Ireland, and therefore there would be less difficulty in coming to an agreement for improving the system of English registration. This led him and his hon. Friend to think the course proposed a proper one, and he was sorry that his noble Friend opposite did not take the same view of the case. If the object of his noble Friend was to reform the Irish registration, by refusing to take that course his noble Friend would reject the best chance of correcting the evils which he was sensible did exist. But if the object of the noble Lord was to obtain a party triumph, to inflict another mortification upon her Majesty's Government, and to injure them in the eyes of the country, his persisting in the opposite course was admirably adapted to that end. The right hon. Baronet, the Member for Tamworth, told them that his noble Friend, the Secretary of State for the Colonies, was, in effect, by supporting his hon. Friend, the Member for Halifax, guilty of proceeding in an underhand and almost a dishonourable manner—in the manner of one who sought to evade a discussion and a decision which he was not prepared fairly to meet. Nay, the right hon. Baronet went the whole length of asserting that, if the course recommended by his noble Friend, the Secretary for the Colonies, were adopted, the result must be that the House would be left at the mercy of the Government; and he further went so far as to say that the purpose of his noble Friend was to suspend the consideration of the bill in order to stave off an inconvenient and disagreeable discussion. He confessed that he did think the right hon. Baronet was not entitled to throw any such imputation upon one whose conduct was so fair and honourable in that House. He would repeat it—whose conduct was so fair and honourable as was that of his noble Friend. He did not think that the right hon. Baronet was justified in casting such an imputation upon any one, and least of all upon his noble Friend. An attempt of the sort was not seemly or decorous, and it was the more especially unjust and unfair, as the matter did not altogether rest with his noble Friend. He was not master of the measure, it was not for him but for the House to determine; and the House had already shown that they would not consent blindly to follow his noble Friend. When he was told that the present late period of the Session ought to be an argument with them against the postponement of the measure, and that in fact postponement was now equivalent to abandoning it for the whole year, he must profess himself at a loss to discover the grounds of such an assertion. It appeared to him that there was more prospect of bringing matters to a speedy issue by adopting the course recommended by his noble Friend than by pursuing any other, and especially than by resisting it in the manner which hon. Members opposite so strenuously recommended. In a day or two they might pass the other bill through a committee, and thus the ground would be cleared for the measure of his noble Friend opposite; principles would be laid down, rules would be established, and facilities would be gained more than sufficient to compensate for the loss of time which the proposition of his hon. Friend might possibly involve. For his own part he could very sincerely say, that he had no intention to defeat the measure —nothing was further from his mind; and if the same were to do again, he should repeat the vote which he had already given notwithstanding all the obloquy which it had drawn upon him. He had given to the subject the most deliberate consideration in his power, he had formed upon it the best judgment of which he was capable, and he could not help saying, that if the same case were again put before him, he must upon the same principles adopt the course which he had already taken.

Mr. *H. Grattan* declared that, if the matter rested upon his individual decision, he should adopt a similar course to that which was taken by the Tory predecessors of the Members opposite: when a bill for Irish liberty was brought before them, they kicked it over the bar, and he should rejoice in seeing the present bill submitted to the like treatment. The noble Lord opposite desired freedom from intimidation. Why did he not seek for it as regarded England and Scotland equally with Ireland? Why did the mere intervention of St. George's Channel make so material a difference? Why grant those advantages to freemen which he denied to freeholders? Why, but because that would involve Orange interests, and with them he dare not meddle? He was ready enough to attack freeholders, but he took care to let the corporations alone. Surely if the good of Ireland were the object sought, they might wait for a little, and try the effect of a similar measure upon England. The noble Lord came forward as a moderate man; he might be considered as a moderate man, but with this difference, that he was contending for liberty, and the noble Lord against freedom. He had been told by a Tory Member that the bill would pass, but his reply to that was, when all the powers of Europe were in arms against England, she would then feel the fatal effects of having adopted such a measure. The right hon. Gentlemen opposite might laugh at a matter which merely concerned the interests or the liberties of Ireland, but he would tell the House this, that Ireland never was able to obtain any advantage from England, unless when England found herself in danger from foreign enemies. They had heard much in the course of these discussions of intimidation, perjury, corruption, personation, and fraud; and these statements appeared to have been founded upon the evidence given before a committee of that House. He had attended that committee, and he confessed that in his opinion no greater errors could be committed than those into which the witnesses then examined had fallen. The English Gentlemen who promoted the present measure laid claim to the character of honest reformers. How could they be called honest reformers when they passed by the elections of Ludlow and Cambridge? The whole secret of their favour to the measure lay in this, that they suffered from, and indeed openly complained of, being beaten down by an Irish majority in that House, and then they sought to carry their measures by an English majority. Was that justice to Ireland? There was much to complain of in the representation of Ireland, but to what was that owing? To nothing but the unserviceable scanty Reform Bill which had been given to Ireland. The imperfections and vices of that Reform Bill would not be corrected by the present measure. The supporters of the bill might be successful upon the present occasion; but, notwithstanding the result of a division, he had no doubt that they would ultimately be glad to withdraw their bill. On this question there had been a material change in the sentiments and feelings of Ireland. Never was a measure regarded with such general execration by all classes in Ireland. It tended greatly, then, to increase the growing sense of British insincerity—to establish a conviction that England gave nothing till she was forced. He did not hesitate to say that, if they went on with the bill, it would be a failure; they would eventually swamp the bill itself, and they would themselves, as a party, be swamped.

Sir *E. B. Sugden* begged to say one word. He had not laughed at any thing which affected the freedom or the interests of Ireland—he was incapable of any such thing; but he had laughed when the hon. Member opposite related his conversation with a Tory Member respecting the fatal effects of passing this bill, should all the powers of Europe be arrayed against England—at that he certainly had laughed.

Sir *W. Somerville* said, that in the discussion of this question various matters quite unconnected with it had been introduced, while the real point to be ascertained was, whether this bill was fit to be adopted in Ireland; and not what might or might not be the opinion of the judges of that country on the subject of value. With respect to the petition from Drogheda that had been recently presented by the hon. Member for Londonderry, he had just seen in a Drogheda paper communications from no less than eighteen persons, saying that their names had been forged to that petition. One person, too, who was said to have signed it, was a boy of three years old, and another had been dead some time. He would say, that never in his experience had he known an instance of such personation. He should certainly vote for the motion of the hon. Member for Halifax, because by so doing he thought he should be at least postponing the bill of the noble Lord. He considered that that bill was so monstrous in its provisions, that no alteration without cutting down the principle of it could make it acceptable to the people of Ireland. The system of annual registration was most objectionable; it would go on to the utter disfranchisement of the 10*l.* voters. And, if his recollection was right, the noble Lord, when he brought forward this bill, said, that he had given that point his best attention, and had considered whether or not it was possible so to frame the bill as that the objections to the proposed system should only relate to those evils which had subsisted since the last registration. Sooner than such a bill should pass for the utter and entire disfranchisement of the 10*l.* voters, he should prefer leaving matters as they were, for he would not punish those who were guilty of fraud by a measure that would take away the franchise of the innocent, and destroy the liberties that had been guaranteed to them by Parliament. If ever there was a time at which the bill was less called for than at another, it was this; because the new registration was at this moment going on in Ireland. His conviction was, that if this bill passed, there would not in ten years be a single 10*l.* voter in that country. If such a high rate of franchise were to be determined on, the more manly course, and the one which he should feel inclined to move as an instruction to the committee, would be to propose a clause that would take away the right of voting from all except possessors in fee.

Mr. *Dillon Browne* said, he could not give his vote on this occasion without offering his most distinct opposition to this bill. There was, indeed, no man who represented a constituency in Ireland who ought not to take every opportunity of doing so. He considered this measure the most destructive to the liberties of Ireland of any that had ever been proposed in that House. Its effect would be the destruction of the Catholic constituencies in that country. It was impossible to look into it, and not to see what were the real intentions of the noble Lord who proposed it; it was to embarrass the franchise in every possible way, and to increase the present difficulties of registration. It would place the constituencies of Ireland in a worse position than they were in before the measure of Catholic emancipation passed. The noble Lord had not made any attack on the liberties of the people of England, but had reserved all his malice for the people of Ireland.

Lord *Stanley* was sure that the hon. Member would see that in using the word "malice," he had gone beyond his own intention.

Mr. *D. Browne* said, he might be going beyond Parliamentary language, but he had not gone beyond his own meaning.

The *Speaker* said, the hon. Gentleman must be perfectly aware that his last expression was contrary to all Parliamentary usage. He, therefore, called on the hon. Member to retract that expression.

Mr. *D. Browne* said, he had no other course to pursue than to retract the expression he had used; but he certainly considered that there was no individual connected with Ireland, who had shown by his public acts more hostility to that country, or who deserved less respect from that people, than the noble Lord. There was no man who was more repudiated by the people of Ireland, or who had shown a greater disposition to contract the liberties of that country. And when he saw the noble Lord forcing himself on public notice—

Viscount *Dungannon* rose to order, and respectfully submitted, whether, in debating any measure, it was allowed to any hon. Member to cast personalities on another, and impute motives perfectly irrelevant to the question.

The *Speaker* said, the noble Lord was right in saying, that no hon. Member could with propriety be guilty of any personality towards another hon. Member, and he was carefully watching the hon. Member, and if he had made any approach to personality, he should have interposed.

Mr. *D. Browne* here made a remark, apparently directed to Lord Dungannon, which we did not hear, it being drowned in cries of "Order!"

The *Speaker* said, the last expression of the hon. Member was exceedingly improper.

Mr. *D. Browne* said, he did not mean to use any disrespectful language to the House, he spoke a fact. If he had conducted himself disrespectfully, he apologized for it. He only stated a fact.

The *Speaker.*—If the hon. Member will only consult the respect due to the House, he will not weaken his apology by repeating the expression. I call upon the hon. Member to make the apology due to the noble Lord and to the House.

Mr. *D. Browne* thought that the noble Lord had misunderstood him, but he could only say, that if he had used language offensive to the noble Lord, or to the House, he was ready to apologise for it. He had meant to give no offence, and the observation which had fallen from him, was the result of his having been interrupted by the noble Lord, when he was clearly not out of order. If, however, he repeated, he had been guilty of offence towards the noble Lord, he regretted it. What he had been about to say when interrupted was, that the noble Lord, the Member for North Lancashire, had always endeavoured to thwart the progress of public liberty in Ireland. As an Irishman, as a Roman Catholic, and as a political opponent of the noble Lord, he could not but feel irritation when he considered the course which the noble Lord invariably pursued with regard to Ireland; and he thought he had a right to condemn the conduct of the noble Lord on the present occasion in the strongest language he could use, consistently with the dignity of the House, and his own character as a gentleman. He thought that this bill went to the length of depriving the Roman Catholics of Ireland of their liberties, and he could not, therefore, allow an opportunity to pass without offering to it every opposition in his power. Did the noble Lord suppose, that by assailing the Roman Catholics, he was increasing the stability of the Established Church? For if he did, he was much deceived as to the means by which he sought to establish the object which he had in view. Was it prudent for an insignificant minority to pursue such a course towards a majority? He was anxious to maintain the Protestant institutions of this country; but he could not stand by, and hear the creed in which he conscientiously believed, assailed without rising in its defence. The hon. Member then referred to the efforts which had been made by the Roman Catholics for the attainment of civil liberty, and proceeded to contend, that they could not tamely submit to have privileges which they had obtained with so much difficulty, taken away from them in the way proposed by the bill of the noble Lord. There was not a young man in Ireland who would not sooner lose his life than be deprived of the concessions given by the Catholic Relief Bill, and subsequently by the Reform Bill; and he could only say for himself, that he not only assented to this doctrine, but was prepared to sacrifice his own life, rather than see the liberties of his countrymen destroyed. He thought that this was the most atrocious measure which ever had been introduced into Parliament, and as its object was the destruction of the liberties of Ireland, it should have in all its stages the most strenuous opposition which he could give to it.

Sir *C. Lemon* said, he stood in a peculiar situation. Hitherto he had not voted on this question, and it was with pain he withheld the small degree of support he could give. It had been admitted on all hands, that there were abuses in the Irish system of registration; but he could not give his cordial support to the bill of the noble Lord, though very unwilling to offer any opposition to it. He had, at the same time, no sympathy with those who talked of a repeal of the union, and the destruction of the Irish Church. If night after night were spent in useless discussions, which had no practical effect, there would be no possibility of passing any bill. Looking at the question in a practical point of view, he was convinced that the bill of the noble Lord (though the House was under great obligations to him for introducing it, as a remedy ought to be applied to the evil) would have no practical benefit in the present state of parties in that House. It would only lead to a continual struggle, and a repetition of triumphs, to which he should not be willing to contribute. He differed upon several grounds from the three last speakers. He wished a measure to be introduced, that would be taken up with a sincere view of remedying the evil, and he did not adopt the arguments of those who talked of throwing impediments in the way of the measure of the noble Lord.

Mr. *Slaney* said, he had had great difficulty in making up his mind but he could no longer hesitate in giving his vote for the amendment of the hon. Member for Halifax. Could any one who witnessed the fate of Irish bills, come to any other conclusion? They had now the opportunity of improving the Irish system on English grounds. He objected on principle to the noble Lord's bill—namely, on the principle of annual registration. They ought first to improve the English system, and follow it up with an Irish bill.

Mr. *O'Connell* said, he should not detain the House many minutes. Had hon. Members opposite considered the effect of votes adverse to Ireland on the repeal of the union? They said that by the union you ought to assimilate the two countries. But if they did assimilate them at all, it should be, as far as regarded the franchise to return Members to that House. The first object, then, should be to amend the registration in England, and afterwards consider how far the improvements applied to Ireland. No one said the

English system did not require remedying and amending; what he wanted, therefore, was, for the House first to see what amendments the English system wanted, and then consider their applicability to Ireland, and if they did apply, he, on behalf of Ireland, claimed the benefit of them. What was good for England was good for Ireland; refuse this, and do not wonder at a repeal of the union being called for. Treat Ireland with contempt, disfranchise nine-tenths of the voters, and then tell the Irish people that the union was a good thing, and ought to continue —thus treating them with insult and contumely. His object in rising was, merely to request them to let the evils of the English system be amended first, and then to apply the same remedy to Ireland.

Mr. *V. Stuart* thought it was useless to proceed with the present bill, as no useful system of registration could be carried into operation in Ireland without a specification of the qualification.

The House divided on the original motion; Ayes 206; Noes 195: Majority 11.

List of the AYES.

Acland, Sir T. D.
A'Court, Captain
Adare, Viscount
Ainsworth, P.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Bagge, W.
Bagot, hon. W.
Bailey, J. jun.
Baillie, Colonel
Baillie, H.J.
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barneby, J.
Bateson, Sir R.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhasset, A.
Bolling, W.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, C. L C.
Bruges, W. H.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Canning, rt.hon.Sir S.
Cantalupe, Viscount
Chapman, A.
Chute, W. L. W.
Clerk, Sir G.
Cole, hon. A. H.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dunbar, G.
Duncombe, hon. W.
Dungannon, Visct.
Du Pre, G.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Farrand, R.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forrester, hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt.hn.Sir H.
Hawkes, T.
Hayes, Sir E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hurt, F.
Ingham, R.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, Captain
Knatchbull, Sir E.
Knightley, Sir C.
Lefroy, rt. hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Marsland, T.
Meynell, Captain
Monypenny, T. G.
Mordaunt, Sir J.
Neeld, J.
Nicholl, J
O'Neill, hon. J. B. R.
Owen, Sir J.
Packe, C. W.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt hon. Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorpe, Col.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Thesiger, F.
Thomas, Col. H.
Thornhill, G.
Trench, Sir F.
Trevor, hon. G. R.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Whitmore, T. C.
Wilbraham, hon. B.
Wodehouse, E.

Wood, Col.
Wood, Colonel T.
Wyndham, W.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

List of the NOES.

Abercrombie, hn. G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Archbold, R.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Bernal, R.
Bewes, T.
Blake, M. J.
Blewitt, R. J.
Bodkin, J. J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G.H.
Chapman, Sir M.L.C.
Childers, J.
Clay, W.
Clements, Viscount
Collier, J.
Collins, W.
Colquhoun, Sir J.
Corbally, M. E.
Craig, W. G.
Dalmeny, Lord
Davies, Colonel
Divett, E.
Donkin, Sir R. S.
Duncombe, T.
Dundas, Sir R.
Dundas, D.
Elliot, hon. J. E.
Ellis, W.
Etwall, R.
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gisborne, T.
Gordon, R.
Grattan, H.
Grattan, J.
Greenaway, C.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Horsman, E.
Hoskins, K.
Howard, hon. E.G.G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Viscount
Humphery, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Labouchere, rt. hn. H.
Leader, J. T.
Lemon, Sir C.
Lushington, C.
Lynch, A. H.
Macaulay, T. B.
Maher, J.
Marshall, W.
Marsland, H.
Martin, T. B.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Pattison, J.
Pendarves, E. W. W.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Ponsonby, C. F. A. C.
Power, J.
Power, J.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Rawdon, Col. J. D.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Shiel, rt. hon. R. L.
Slaney, R. A.
Smith, B.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Steuart, Lord J.
Steuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Wood, C.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.
Stanley, hon. E. J.
Parker, J.

Paired off.

AYES.	NOES.
Acland, T. D.	Blake, W. J.
Alford, Viscount	Ferguson, Sir R.
Alsager, Captain	Loch, J.
Attwood, M. W.	Mactaggart, J.
Attwood, M.	Lushington, rt. hn. Dr.
Bailey, J.	Winnington, Captain
Baldwin, C. B.	Oswald, J.
Barrington, Viscount	Price, Sir R.
Bassett, J.	Dennistoun, J.
Bell, M.	Pechell, Captain
Boldero, H. G.	Vivian, Major
Broadley, H.	Heron, Sir R.
Broadwood, H.	Hill, Lord M.
Bruce, Lord E.	Wallace, R.
Burdett, Sir F.	Crawley, S.
Burrell, Sir C.	Langton, G.
Burroughes, H. N.	Hawkins, J. H.
Campbell, Sir H.	Hastie, A.
Cartwright, W. R.	Parnell, Sir H.
Castlereagh, Viscount	Shelburne, Lord
Cholmondeley hn. H.	Hollond, R.
Christopher, R. A.	Fitzroy, Lord C.
Clive, hon. R.	Easthope, J.
Cochrane, Sir T.	Duncan, Lord
Codrington, C. W.	Denison, W. J.

Colquhoun, J. C.
Compton, N. C.
Cooper, E. J.
Coote, Sir C. C.
Cresswell, W.
Crewe, Sir G.
Davenport, J.
Dottin, A. R.
Dugdale, W. S.
Duncombe, hon. A.
East, T. B.
Egerton, Lord F.
Estcourt, T. B.
Farnham, E. B.
Feilden, W.
Fector, J. M.
Foley, E. T.
Fox, S. L.
Glynne, Sir S.
Gore, J. R.
Gore, W. O.
Greene, T.
Hale, R. B.
Heathcote, Sir W.
Hill, Sir R.
Hillsborough, Earl of
Hodgson, F.
Houldsworth, T.
Houstoun, G.
Ingestre, Viscount
Inglis, Sir R.
Jones, J.
Jones, W.
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Ker, D.
Kelburne, Viscount
Kirk, P.
Knight, H. G.
Lascelles, hon. W.
Law, hon. C. E.
Lennox, Lord A.
Long, W.
Lowther, hn. Colonel
Lowther, Viscount
Maclean, D.
Manners, Lord C.
Marton, G.
Master, T.
Maidstone, Lord
Maunsell, T. P.
Mathew, Captain
Maxwell, hon. S.
Miles, W.
Miles, P.
Miller, W. H.
Milnes, R. M.
Neeld, J.
Norreys, Lord
Northland, Viscount
Ossulston, Lord
Pakington, J. S.
Palmer, R.
Parker, T. A. W.
Perceval, hon. Capt.
Price, R.

Chichester, J. B.
Mildmay, P. St. J.
White, S.
White, L.
Erle, W.
Crompton, Sir S.
Conyngham, Lord A.
Anson, Sir G.
Moreton, hon. A.
Wrightson, W. B.
Grosvenor, Lord R.
Fazakerly, T. N.
Wood, Sir M.
Heneage, E.
Ellice, E., jun.
Milton, Viscount
Dundas, hon. J.
Molesworth, Sir W.
Hall, Sir B.
Duff, J.
Handley, H.
Berkeley, hon. H.
Spencer, hon. Captain
Pinney, W.
Gillon, W. D.
Berkeley, hon. G.
Hayter, W. G.
Stewart, J.
Dundas, F.
Stanley, W. O.
Rutherford, rt.hon. A.
Macnamara, Major
Cayley, E. S.
Talfourd, Sergeant
White, H.
Protheroe, E.
Speers, A.
Sharpe, General
Chester, N.
Dundas, C. W. D.
Ponsonby, hon. J.
Crawford, W.
Smith, J. A.
Edwards, Sir J.
Murray, A.
Ellice, rt. hon. E.
Lambton, H.
Byng, rt. hon. G. S.
Andover, Lord
Walker, T. A.
Standish, C.
Martin, J.
Clayton, Sir W. R.
Fitzsimon, N.
Currie, R.
Scholefield, J.
Philips, M.
Hodges, T. L.
Duke, Sir J.
Lennox, Lord G.
Hector, C. J.
Bulwer, Sir L.
Smith, G.
Clive, E. B.
Strickland, Sir G.
Chetwynd, Major
Wemyss, Captain

Reid, Sir J. R.
Rose, rt. hon. Sir G.
St. Paul, H.
Sanderson, R.
Shaw, rt. hon. F.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Sotheron, T. E.
Tennent, J. E.
Tollemache, hon. F. J.
Tomline, G.
Thompson, Alderman
Walsh, Sir J.
Welby, G. E.
Williams, R.
Williams, T. P.
Wilmot, Sir E.
Young, Sir W.

Jervis, J.
Bulwer, Sir E.
Yates, A.
Acheson, Lord
Langdale, hon. C.
Winnington, Sir T.
Bainbridge, E.
Alston, R.
Vivian, J. H.
Bowes, J.
Grote, G.
Ellice, A.
Worsley, Lord
Noel, hon. C. J.
Heathcote, G.
Berkeley, hon. C.
Phillips, Sir R. B.
Hutchins, E. J.
Blackett, A.

On the question that the Speaker do now leave the chair,

Sir *D. Norreys* rose to move, that it be an instruction to the committee to enable persons to register their votes upon proof of their having paid one year's poor-rates, on a valuation to be hereafter determined. His present object was more to establish the principle than to specify the actual amount to which the voter should be rated, and he had accordingly abstained from any such specification. The hon. Member concluded by moving an instruction to the committee to enable every person otherwise qualified who shall have for the period of one year paid poor-rates on a valuation of — per annum to register his vote.

Lord *Stanley* said, that he had purposely waited for a few minutes before he rose, as this was a question on which he had expected that the noble Lord, the Secretary, and the hon. and learned Gentleman, the Solicitor General for Ireland, would have expressed an opinion. No one could more regret than he did, that any doubt should have been thrown on the meaning of the Irish Reform Bill, so far as regarded the words "beneficial interest," knowing as he did the meaning which the House of Commons put upon them at the time. It was this, that the property qualifying a voter should be to him of a certain clear yearly amount, be it freehold or leasehold. These were the words of the English Reform Bill, on which no English judge or lawyer had yet suggested any doubt. The words in the Irish Reform Bill were intended to be synonymous with those in the English Reform Bill; and if there were any doubt on that point, he should like to see that *vexata questio* settled. He would not express any opinion upon this instruction, especially as it proposed a new qualification for voters in Ireland, which was totally left in blank. He objected, however, to this amendment, not merely on account of the time when, but also on account of the bill in which it was introduced. His intention was, that registration should be the only object of his bill, and that the franchise should be entirely excluded from it. The noble Lord, the Secretary for Ireland, and his hon. and learned colleague, the Solicitor General for Ireland, showed by their conduct that they too thought that those two objects ought to be separated; for they had themselves separated them, introducing one bill to amend the registration, and another to define the franchise. Let the hon. Member for Mallow deal with the franchise when the Solicitor General's bill came under the consideration of the House, and then he (Lord Stanley) would give every consideration in his power to his (Sir D. Norrey's) proposition, in order to escape from the inconveniences and evils of which the hon. Member complained at present.

Mr. *Warburton* could not agree with the noble Lord, that this was an inappropriate occasion for defining the basis of the franchise in Ireland. Indeed, it seemed to him to be the most fitting occasion for doing so, for surely before the House proceeded to constitute a system of registration it was but proper they should define that which was to be registered. He, therefore, thought the House ought to begin by defining the qualification, instead of prematurely devising a means for giving effect to what could be scarcely said to have an existence. Looking back to opinions which had formerly been expressed upon this subject—expressed by the noble Lord himself in 1829, and by Members of the Government in 1832, he could not help feeling that a gross fraud had been practised upon the Irish. They had been led to believe, that an enlarged franchise was to be conferred upon them. When it was proposed to substitute the ten pound for the forty shilling freeholders, the noble Lord declared that the test should be the possession of a "beneficial interest of ten pounds, and not the willingness of a solvent tenant to give ten pounds more than the rent paid by the claimant to register." The noble Lord said,—

> "I think it should be deemed sufficient that the applicant has a beneficial interest of ten pounds above the rent he pays, and that he should not be called upon to prove that a solvent tenant would give him ten pounds a year for the property above the rent which he himself paid."

A similar opinion had been expressed by Mr. Rice (now Lord Monteagle) and by Lord Lansdowne, thus clearly manifesting the intention of the Government and the Legislature. Was it not a fraud then upon the Irish people, having induced them to believe that they were to obtain this enlarged franchise, to attempt to limit it now, by adopting the adverse decisions of the Irish judges? The hon. Member concluded by repeating his conviction that the House ought first to define the franchise, before they proceeded to adopt any plan for giving effect to it.

Viscount *Morpeth* said, the noble Lord opposite (Lord Stanley) had expressed his surprise that he had not risen to intimate what course the Government would pursue with respect to the instruction that had been moved by the hon. Member for Mallow. He certainly begged to intimate to the noble Lord that he had no disposition to do the honours of the noble Lord's bill, and he had no doubt, that in its progress through the committee he would find himself engaged in many such issues as the present. At the same time he could assure the noble Lord, that in the course of the bill through committee, the Government would not be backward in proposing any amendments which they thought to be desirable. With respect to the instruction that had been moved by the hon. Member for Mallow, he certainly went along with that hon. Member in thinking that it was desirable that this question of qualification should be placed on a satisfactory basis. On that point he did not think the bill of the noble Lord any amendment, and he would even say, that he did not think that the bill brought in by his hon. Friend, the Solicitor General for Ireland, placed the qualification on a satisfactory basis. However, he thought that the measure brought forward by the Government was much better than that which the noble Lord insisted on cramming down their throats. He thought it a defect in both bills, that they allowed the franchise to rest upon opinions which he conceived to be a source of many of the evils and difficulties of the over-reachings and perjuries which were complained of as appertaining to the present system of registration. In his opinion the appeal clauses in the present bill would have the effect of limiting the franchise in Ireland. These clauses would have the effect of raising the qualification in Ireland, and that qualification would rest upon the opinion of the judges, which was not in accordance with the opinions of those who passed the Reform Bill. He certainly thought that it was an inherent fault in their present system of registration, that there was no fair definition of the franchise. It was an evil that the franchise was left to be determined as a matter of opinion instead of being determined according to some known and settled valuation. He concurred in the opinion that had been expressed from both sides of the House with respect to the advantage of establishing the qualification on some principle of uniform rating. He might then be asked why, entertaining this opinion, did not the Government themselves bring forward some propositions for that purpose? There was no proposition which he would bring forward with more pleasure, but he feared, in the present state of parties, there would be considerable difficulty in settling what should be the the precise amount of qualification. It seemed to him, moreover, that it would be premature to bring forward any proposition of that kind. There were three reasons for that opinion; the first of which would, perhaps, be considered sufficient. The first and most important of these reasons was, that at present there was no such rate of valuation in existence in Ireland, on which they could determine the franchise; secondly, looking to the good working of the Irish Poor-law—a measure which (by no means underrating the importance of party contests) was of paramount importance, and the advantage of the well working of which could not be overrated—he thought it highly desirable for the successful and peaceable working of that bill, that party, and political, and extrinsic considerations must not be connected with it. He was, therefore, anxious that a general valuation should first take place, and the rate be first established and fixed before it should be connected with any object of so political a nature as the ascertaining of the franchise. Until they saw what would be the general effect of the valuation, he thought they would be working too much in the dark if they were to fix and determine the franchise in Ireland by any precise amount of a rate which was not yet in existence. For these reasons he thought it would be premature in the present Session for the Government to bring forward any propositions of this kind; but he thought, that ultimately all parties would be driven to take refuge on some provision founded on rating. He should resist any appeal against the franchise as an indirect and unfair mode of limiting the franchise. He should endeavour to give that franchise which was intended by the Reform Bill, and he trusted that Parliament, in a future Session, would establish the franchise on that basis on which alone it could be satisfactorily placed—namely, a fixed, known, settled, and impartial rating.

Mr. *Lucas* said, that his hon. Friend, the Member for Mallow, had been indistinctly heard at his (Mr. Lucas's) side of the House. He, therefore, thought that the House was not in a condition to give his hon. Friend's proposition that attention which its importance demanded. He would suggest to his hon. Friend to withdraw his proposition for the present, in order that it might be more fully considered hereafter. He was sure, from what had fallen from the noble Lord opposite, as well as the noble Lord near him, that this proposition, on a future occasion, would have a fair and patient hearing.

Mr. *O'Connell*, without pretending to say whether the rating clause proposed by his hon. Friend were the best mode of settling the franchise, thought at all events that it was a very fit subject for consideration. It was one which required calm and deliberate discussion in committee, where hon. Members having the opportunity of speaking more than once might protect themselves against any misconstruction of their views. If the noble Lord, the Secretary for Ireland, had this opportunity, he would doubtless not allow it to be understood that his objection to define the franchise at present arose from a disinclination to connect the operation of the Poor-law Bill with any political object. Why, was it not actually so connected? Was not the rate made the test of the franchise in cities? Such was the effect of the Corporation Bill as it had gone up to the House of Lords, and he could see no great mischief in applying to counties a standard which the House had decided upon adopting in cities. Much had been said upon the subject of perjury, and the Irish people had been grossly calumniated by the assertion that they were more prone to perjury than the people of any other country. It mattered not to him even if it was an Irishman who uttered this calumny, but he called upon the House to bear in mind that the interpretation of the franchise was a question of opinion; and as long as it was left so, what else could they expect than that there should be differences? The bill of the noble Lord ought to contain a definition of the franchise. The franchise ought to be first defined before any attempt was made to settle the registration. The rating under the Poor-law afforded, in his opinion, the best mode of defining the franchise. He could not sit down without protesting against what had fallen from the noble Lord, the Member for North Lancashire, on the subject of the insertion of the words "beneficial interest" in the Reform Bill. In the bill of 1829, the noble Lord considered that the effect of the solvent tenant test would be to create a 20*l.*, and not a 10*l.* franchise. When on the Reform Bill, three years afterwards, it became necessary to name the franchise, the noble Lord did not pretend to make the franchise a 20*l.* franchise, nor did he now. If the intention, then, was to make the franchise the same as in the bill of 1829, would not the language of the bill have been used? But the House of Lords, by striking out the words "to him," rendered it no longer a 10*l.* interest to the tenant. On the suggestion of a right hon. Doctor opposite, the words "beneficial interest" were then introduced, and the former test was done away with. In lieu of the three several proofs required by the former act, the tenant was now directed to prove that he had a beneficial interest of 10*l.* according to the new act. Was it pretended that this alteration meant nothing? It was an idle mockery to say so. A majority might decide otherwise, but common sense and truth decided it as he had stated it, and so thought the people of Ireland. Under these circumstances, he should vote for the motion of the hon. Member for Mallow.

Dr. *Lefroy* said, that as he had been referred to by the hon. and learned Member, he would state, that after the words "to him" had been struck out of the qualification clause by the House of Lords, the hon. Member for Ripon had remarked, that although the premises might be worth 10*l.* a year over and above the rent, they might not belong to the claimant. Upon this he had proposed that the words "beneficial interest" should be inserted, which was done, but he denied that any intention existed of altering the franchise. The words in the Reform Bill were, "having therein a beneficial interest of the clear yearly value of 10*l.* over and above his rent."

Lord *J. Russell* felt himself compelled to say a few words, in order to guard against any misconstruction as to the motives of the vote which he should give on this subject. In a former debate the hon. Member for Monaghan had stated what were his opinions on this question of a Poor-law rating, and in the general statement of those views he concurred. The question, however, before the House was, whether the standard of the franchise should be ascertained in a certain manner, and whether the committee should have power to insert the clauses necessary to carry that object into effect. That being so, it was necessary that he should refer to the course which had been advisedly taken by the Government, which was to bring in one bill for the reform of the system of registration, and a separate bill for the definition of the franchise, and consequently he could not consistently vote with the hon. Gentleman who had proposed to introduce a test for the franchise into the present bill. At the same time he must say that he thought the bill of the noble Lord did contain a determination on the franchise, and that a different determination from that which was stated in the other House of Parliament by the framers of the Reform Act in 1832. As to the measure itself, he entirely agreed with his noble Friend and the hon. Member for Monaghan, that we ought to obtain some more certain definition of the franchise, because at present it was left to opinion. Now, if we could obtain some facts to guide the judgment, that would be a great step gained. If a freeholder had let his premises, there was no difficulty in ascertaining whether he received 10*l.* or not for the rent. With regard to the person who occupied a leasehold, the case was entirely different, and we must either take the test of rating, or some similar test, ascertained beforehand. At the same time, while he agreed so far with the hon. Member for Monaghan, he thought that it required a great deal of consideration before the exact amount could be proposed either by the Government or any other person interested in the question. It certainly was a variation not only from the Reform Bill, but also from the bill of 1829.

Motion for an instruction to the committee withdrawn.

House in committee—Preamble postponed.

On the question that the first clause be read,

Mr. *Warburton* moved, that the Chairman report progress and ask leave to sit again. He did so in order that he might have an opportunity to move an instruction to the committee to introduce a clause into the bill which should define the qualification; such a clause was necessary in order to prevent the law being interpreted according to the views of particular parties. Already they had heard that the judges were divided in opinion upon the question of qualification; and if the law were left in its present form, it would hold out a strong inducement to Governments to appoint men judges, not for their talent or experience in the profession, but because they held particular political views.

Mr. *Litton* had distinctly stated to the House on a former occasion, that ten judges against two had decided the question respecting qualification in this way,—they were of opinion that it should be left to the jury to say whether or not a solvent tenant would give 10*l.* a year beyond the payment of the rent of the freehold, and not whether or not it was worth that 10*l.* extra in the fancy of the claimant.

Sir *C. Grey* said, the House would do itself great injustice if it proceeded with this bill, unless it reserved to itself the right to declare the law relative to the qualification of voters. He thought the amendment of the hon. Member for Bridport a better one than that of the hon. Member for Mallow, and he should therefore support it.

Mr. *O'Connell* said, the reason why he had consented to the withdrawal of the motion of the hon. Member for Mallow was that he thought the other question would be discussed before the House went into committee; but the Speaker had decided to the contrary. Now, as that question could not be discussed in committee, it was necessary to move that the House do resume, in order that it might be discussed and moved as an instruction to the committee again. With respect to what had fallen from the hon. Member for Coleraine, he should be able to convince hon. Gentlemen who were unaccustomed to the technicalities of the law, that the view which the hon. Gentleman took of the decision of the judges was not a correct one. The hon. Member for Dublin had stated that there was no difference between the statute of 1829 and the Reform Act, with regard to proof of qualification. But what was the fact? The act of 1829 required the claimant to swear that his qualification was such as a solvent tenant could afford to pay an additional rent of 10*l.* per annum for. The Reform Act did not adopt the words of that statute, but it was enough to prove that the property in right of which the party claimed to be registered was of the value and nature in the act described. Where was the solvent tenant? where was the additional rent in that act? The hon. Gentleman had said these points were not omitted. Well, where were they? Not in the act. He begged, therefore, respectfully to press upon the committee the expediency of allowing the Chairman to report progress, that hon. Members might have a sufficient opportunity for considering the difficulties which the present discussion had presented.

Dr. *Lefroy* contended, that according to the description in the Reform Act, the qualification should be a clear yearly value of 10*l.*

Mr. *O'Connell* observed, that the body of the bill was altered, that the oath was altered, and yet hon. Members on the other side affirmed, that it was all the same thing.

Lord *Stanley* observed, that the Reform Act did not touch the fee simple qualifications—it left that precisely as it had been settled by the act of 1829.

Mr. *O'Connell* said, that the registries under the bill now before the House included every species of qualification.

Lord *Stanley* replied, that the oath had been altered, and that no one could now acquire a right, except under the same qualification as that given by the 9th of George 4th. The Reform Act conferred no right. The rights which existed before it were left untouched. The present bill required electors to register in a certain way, but then they were to register in right of qualifications conferred upon them by the act of 1829.

Sir *E. B. Sugden* said, that his noble Friend, the Member for North Lancashire, was quite right, and yet the hon. and learned Member for Dublin was not wrong. The Irish elector was to look to the Reform Act for his mode of registration, and to the act of 1829 for his qualification.

Mr. *O'Connell* called the attention of the House to the fact that a most able man, and a great lawyer, had said, that the noble Lord was quite right, and that he was not wrong. Surely it must be admitted that such a state of the case required that time ought to be allowed for a reconsideration of the matter.

Sir *W. Somerville* observed, that the noble Lord had said enough to show that the qualification was merely a beneficial interest, and did not require the elector to show that a solvent tenant would give 10*l.* The Lords were clearly of opinion that the Reform Act introduced a new test of value, and in proof of this the hon. Baronet referred to speeches delivered by the Duke of Richmond and Viscount Melbourne during the debates upon that measure. It appeared to him impossible to avoid coming to the conclusion that a 10*l.* beneficial interest was intended by the Reform Act.

Mr. Sergeant *Jackson* stated, that the opinion of the Chief Justice of the Queen's Bench in Ireland was, that a jury, in considering whether the tenement of one claiming to be an elector was worth 10*l.*, was bound, when forming an estimate of his beneficial interest, to take into account whether or not a solvent tenant would give that rent for it. As to the amendment, he thought it was one which the Government were called on to resist.

Lord *Stanley* said, that with regard to the speeches of the Duke of Richmond and Viscount Melbourne, which had been referred to by the hon. Member for Drogheda, he would merely read three lines from each of them, which it had not been found convenient to cite on the other side. The Duke of Richmond said this:—

"Her Majesty's Government had not the slightest intention of altering the qualification at present existing, but they had adopted that mode of ascertaining the amount which they had thought best."

Lord Melbourne followed, and said,—

"It was undoubtedly the desire of the Government to preserve the present qualification, and they considered that it was best secured by the oath which they now proposed."

Mr. *O'Connell:* and that oath said nothing about the value of the qualification.

The committee divided on the question that the House resume. Ayes 220; Noes 313:—Majority 93.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Busfeild, W.
Butler, hon. Colonel
Byng, rt. hon. G. S.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hn. G. H.
Chalmers, P.
Chapman, Sir M. L. C.
Childers, J. W.
Clayton, Sir W. R.
Clements, Viscount
Clive, hon. E. B.
Collier, J.
Collins, W.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Dashwood, G. H.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Dundas, D.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Gisborne, T.
Grattan, J.
Grattan, H.
Greenaway, C.
Greig, D.
Grey, rt. hn. Sir C.
Grosvenor, Lord R.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Humphery, J.

Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Lambton, H.
Leader, J. T.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lushington, C.
Lynch, A. H.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Melgund, Viscount
Mildmay, P. St. John
Milton, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connor, Don
Oswald, J.
Paget, F.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Price, R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Rawdon, Col. J. D.
Redington, hon. T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Russell, Lord C.
Rutherford, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Somers, J. P.
Standish, C.
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Wakley, T.
Walker, R.
Wallace, R.
Ward, H. G.
Westenra, hn. H. R.
Westenra, hon. J. C.
White, A.
White, H.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Warburton, H.
Somerville, Sir W.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Amiral
Adare, Viscount
Alford, Viscount
Alsager, Captain
Alston, R.
Anson, hon. Colonel
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Bainbridge, E. T.
Baker, E.
Baldwin, C. B.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Barrington, Viscount
Basset, J.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Blackburn, I.
Blackstone, W. S.
Blakemore, R.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Botfield, B.
Brabazon, Lord
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantalupe, Viscount
Castlereagh, Viscount
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Cochrane, Sir T. J.
Cole, hon. A. H.
Compton, H. C.
Conolly, E.
Corry, hon. H.
Cresswell, C.
Crewe, Sir G.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duff, J.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. A.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Fleming, J.
Fox, S. L.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hamilton, C. J.
Hamilton, Lord C.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.

Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howick, Viscount
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl of
Johnston, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lascelles, hon, W. S.
Lefroy, right hon. T.
Lennox, Lord G.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Macaulay, rt. hn. T. B.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Mathew, G.
Maule, hon. F.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Monypenny, T. G.
Mordaunt, Sir J.
Moreton, hon. A. H.
Morgan, C. M. R.
Morpeth, Viscount
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, hon. C. G.
Norreys, Lord
Northland, Lord
O'Neill, hon. J. B. R.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, R.
Palmerston, Viscount
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Pigot, D. R.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, right hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Sandford, E. A.
Scarlett, hon. J. Y.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, hon. E. J.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talford, Sergeant
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Tomline, G.
Townley, R. G.
Trench, Sir F.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Vernon, G. H.
Villiers, Viscount
Vivian, J. H.
Vivian, J. E.
Vivian, rt. hn Sir R. H.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, G.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Wynn, rt hon. C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Baring, H.

Lord *Stanley* then said, that looking at the time of night at which they had arrived, it was not his intention to offer any opposition to the motion to report progress, but, considering that the principle of this bill had been discussed seven or eight nights, and affirmed in three successive divisions, and that upon two nights he had been enabled to go into committee, yet, that the whole of those two nights had been so taken up, that it was impossible for him to make the slightest progress with a single clause, he trusted that the noble Lord opposite would not consider it discourteous in him to state his determination on Monday next to move the Order of the Day for the House going into committee on this bill.

Lord *J. Russell* believed, that it would be necessary, when the Chairman reported progress, that he should ask leave to sit again on a certain day. If the noble Lord moved that the Chairman should sit again on Monday, he would certainly move as an amendment, that he should sit on Wednesday. This bill being the bill of an individual Member of that House, there was no reason why it should be interposed in the way of other business, which had been for a considerable time before Parliament, and which was fixed for Monday. More than 300 Members of the House entirely disapproved of the principle of the bill, and thought the entire bill so vicious and unjust, that it ought not to be permitted to go into committee. If it were a bill upon which the House was generally agreed to support its principle, and anxious to discuss its details in committee, then, and then only, might there be some pretext to make it supersede the Government business. He therefore felt bound to resist to the utmost of his power a pretension of this description.

Lord *Stanley* said, that it was perfectly competent to the noble Lord, according to the forms of the House, to take this course; and if he meant to divide to-night against the bill going into committee on Monday, he (Lord Stanley) was perfectly ready to go to a division with him.

Mr. *O'Connell*.—Then I will move, as soon as we get from the committee into the House, that we adjourn. This is a bill to trample on the rights of the people of Ireland. [Cries of "*Order! No, no*."] This is a bill to trample on the rights of the people of Ireland. [*Laughter*.] The hon. Member, with stronger emphasis, reiterated the phrase—This is a bill to trample on the rights of the people of Ireland. If you were ten times as beastly in your uproar and bellowing, I should still feel it to be my duty to interpose to prevent this injustice.

Sir *S. Canning* rose to order amidst much confusion, and after considerable efforts, succeeded in making himself heard. "Mr. Freshfield," he said, "I demand a retractation of the excessively offensive expression which the hon. Member has just used. The term which I mean is that of 'beastly.'"

The *Chairman* (Mr. Freshfield), amidst loud cries of "Chair," said, I feel assured that, considering the nature of the expression which has been used by the hon. Member—[An uproar stopped the Chairman, which lasted some time.] He then said, the expression, "bellowing," I feel assured, was an inadvertent expression, and that the hon. Member will therefore retract it.

Mr. *O'Connell:* I used the word "bellowing." Did you ever hear any other bellowing than beastly? What sounds were they? Were they human sounds? They were what I said.

Mr. *Lambton:* Mr. Freshfield, I beg to ask, with great respect, if, before the hon. and learned Member was called to order by the right hon. Gentleman opposite, you heard the extremely indecent interruption which was offered to the hon. Member? In my humble opinion it is disgraceful to an assembly of English gentlemen to attempt to tyrannize over one individual Member. When you, Sir, offer your opinion as presiding over our counsels, you ought to take this into your consideration.

Sir *B. Hall* rose, not to make any observation upon expressions which had fallen from any hon. Member, but to express his disapproval of the course which the hon. and learned Member for Dublin had declared his intention of adopting, as to moving the adjournment.

The *Chairman:* I beg to remind the hon. and learned Member for Dublin that he has made use of certain expressions,—

Mr *O'Connell:* Yes, Sir, I have.

The *Chairman:* As I was referred to on the question of order, I took upon myself to decide on the appeal which was made to me. I was not at all acquainted with the interruption which the hon. Member for Dublin met with. It is said that that hon. Member experienced particular interruption. I beg to state, with great diffidence, that it was competent to him to appeal to the chair from any such interruption. As to any strong expression arising from the excited feelings of the moment, upon that alone I gave an opinion.

Mr. *Ewart* observed, that the question now before the House lay between the Chairman and the hon. Member for Dublin. Had the attention of the Chairman been called to the interruptions which took place before the hon. Member for Dublin made the observation complained of, he would have called to order those who interrupted the hon. Member, and have had no occasion to call him to order afterwards.

Mr. *C. Buller*, after having tried in vain for some time to obtain a hearing, said, I don't at all wish to continue this very distressing discussion, which any one having the slightest regard for this House, or for our own characters as gentlemen, must desire to bring to a close as speedily as possible. But I must impress on you, Mr. Freshfield, and upon the House, that your efforts will be quite ineffectual to put down those who, like the hon. Member for Dublin, transgress the limits of decorum by resenting an insult in very strong terms, unless your attention is in the first instance directed to insults the most gross that I have ever seen proceeding from persons in the position of gentlemen. I will mention one instance of that interruption which has proceeded from the Opposition side during the whole of this evening. I do not know that I could fix precisely upon hon. and noble Members. I have heard from about the same quarter of the House different Members upon this side, and particularly the hon. and learned Member for Dublin, interrupted by whistling and——. [*The conclusion of the sentence was drowned in laughter and cries of "Hear."*] I wish to offer no personal insult; I am anxious for the honour of the House; but I do say that those who first bring these manners into the House disgrace themselves and the House by introducing the manners of an ale-house amongst us, and that the House must be patient of those who resent such treatment in a mode which, I must say, appears to me to be too much called for, and but too appropriate.

Lord *Clements* said, that the hon. Member for Dublin had merely said that he complained of this bill as taking away the liberties of the people of Ireland, and that declaration was received with an indecent shout which was a disgrace to the House. Not merely did hon. Members shout, but they absolutely laughed in his face, standing in front of the bar, at a very short distance. When the hon. Member repeated the same declaration a second time, the same insult was repeated; and also a third. He felt proud in being an Irishman, and he would not willingly witness an insult offered to any of his countrymen. He contended, with the hon. Member for Dublin, that this bill would take away the liberties of the Irish people.

Lord *Maidstone:* The hon. Member for Dublin has used the expression "beastly," as applied to Members of this House. If he retracts that expression, I shall be satisfied. Till he does retract it, I shall not be satisfied.

Mr. *O'Connell:* I am perfectly contented with the noble Lord's dissatisfaction. Sir, I should have appealed to you; but I could see when I used that phrase as descriptive of the bill, and a shout was raised against me, that you did not interfere to prevent the interruption. The same thing happened a second time, and you did not interfere. It happened a third time, you did not interfere, and I then proceeded to vindicate myself. And then the right hon. Gentleman who had taken no part in calling upon you to preserve order, but who had sat with the most exemplary Christian patience so long as the shouting, the whistling, and the yelling was directed against me, gets up with unbecoming indignation, when I began to describe in moderate terms —— [*Derisive shouts from the Opposition benches which drowned the remainder of the sentence.*] I say, in spite of all your sneers, that this bill is intended and calculated to take away the liberties of the Irish people, to deprive them of the benefits of the Irish Reform Bill, ay, and to rob them, as the noble Lord well knows, of all the benefits of the Roman Catholic Relief Bill. The noble Lord is mistaken if he fancies, even now, that he will carry this bill. He has been long the enemy of Ireland.

Sir *Stratford Canning:* The hon and learned Member for Dublin, in explaining the circumstances which induced him to use an expression which, to say the least of it, is certainly most unparliamentary, has said that if I had the same perception of the noises which struck him and other hon. Members——

Mr. *O'Connell:* I speak to order. Is this to order?

Sir *Stratford Canning:* The hon. and learned Member for Dublin pointed his observations particularly at me. I wish to reply to them. I am in the hands of the House.

The *Chairman:* I hope that the right hon. Gentleman will think with me, that a sufficient explanation has been already given.

Sir *Stratford Canning:* What induced me, Mr. Freshfield, to rise a second time was, that so long as I have had the honour of a seat in this House I have always understood it to be unparliamentary to impute motives to any hon. Member, and I understood the hon. and learned Member for Dublin to state, that the motives and intentions of the noble Lord, the Member for North Lancashire, in bringing forward this bill, were to trample on the liberties of the people of Ireland. If the hon. and learned Member had said that such would be the effect of the noble Lord's bill, I should not have presumed to call your attention to the expression. But having heard the remarks of several hon. Gentlemen as to the importance of preserving the decency of our proceedings, I must say that I should have been wanting in the respect which I owe to the House if I had not called its attention to it. I am now in the hands of the House, and I can assure it that I am actuated by no other motive than a desire to preserve its honour untarnished.

The *Chairman :* There can be no doubt that it is irregular to impute motives to any hon. Member: but I understood the hon. and learned Member for Dublin to be speaking of the noble Lord in his public capacity, and of the tendency of the measure which he has introduced.

Mr. *O'Connell :* I hope that the right hon. Gentleman will not interrupt me again. I said, and I repeat it, that the bill of the noble Lord is tyrannical and despotic. I said, and I repeat it, that the noble Lord has long been the enemy of Ireland, and I know that distinct proof was offered of that fact at a public meeting by a noble Lord, who asserted, that to his knowledge during all the time he was in office in Ireland he was a constant enemy of that country. The great body of the people of Ireland know that the noble Lord has been long their enemy, and his great glorification this night is that he has once more triumphed over the rights and liberties of the Irish people. I now give the noble Lord distinct warning that I will take the most decided measures which the privileges of the House afford me to oppose the further progress of this bill; and, therefore, if the noble Lord, the Secretary for the Colonies, intends to give the noble Lord, the Member for North Lancashire, priority for his bill on Wednesday next, I wish it to be understood that no concession on his part is to be taken as a concession on the part of independent Members in the House that this bill shall then be discussed in committee. The two noble Lords may make what arrangement they please between themselves, but I wish it to be understood that that arrangement binds no other Members but themselves.

Sir *R. Inglis:* I wish to call the attention of the committee to the fact that the expression "beastly" has been used, and that it has not been withdrawn, and that it has also been applied to a society of English gentlemen. I shall not speak of the palliation which has been offered for it. I, for one, cannot admit its force. The attention of the committee had been called to it, and yet it has not been retracted. I think that until the expression has been withdrawn or qualified, the committee ought not to proceed to other business.

Lord *J. Russell;* With respect to the expression used by the hon. and learned Member for Dublin, to which my hon. Friend has just alluded, I am satisfied with the opinion given by our chairman, who on first hearing the expression declared it to be irregular, and then on hearing the explanation given by various Members of Parliament as to the nature of the interruptions which the hon. and learned Member for Dublin received, declared that enough had been said in explanation of it. I confess that I think that our chairman was right in his first opinion as to the expression used, and as to the explanation offered of it. It is much to be regretted that this is not the first time that very disorderly interruptions have been given on the opposite side of the House to hon. Members speaking on this side. Will my hon. Friend and the committee now permit me to say, that after the tone of expression which has prevailed here for some time, there cannot be any effectual or useful progress made in this bill in any respect this evening. I am not prepared to take a division on this bill now, but on Monday next I shall certainly pursue the arrangement for public business which has prevailed, not only in this Session but in many preceding Sessions also, and shall leave it to the noble Lord to dispute, subvert, and overturn all our usual arrangements if he pleases. On one point the hon. and learned Member for Dublin appears to have misunderstood what I said respecting the committal of this bill on Wednesday next. What I said was this, —That, as the bill had been brought in by a private individual, the only priority which he could claim for its discussion was that open, on Wednesday night, to every individual who had a private bill before the House, and that priority was only this, that each bill should be taken in its order.

Sir *B. Hall* admitted that the noble Lord opposite had had several divisions in his favour on this bill, and regretted the circumstance very severely. He would, however, never offer a factious opposition to any measure. If the hon. and learned Member for Dublin intended to repeat his proposition for the adjournment of the House, he (Sir B. Hall) should certainly vote against it on all occasions. Notwithstanding what had fallen from the noble Secretary for the colonies, he hoped that the noble Lord would give all fair priority to the bill of the noble Member for North Lancashire, in order that it might be fully discussed by the House. That bill deserved the consideration of the House, and, therefore, it would be unfair to offer a factious opposition to its full discussion. He hoped that the hon. Member for North Lancashire would not bring forward this measure on a Government night, but if he brought it forward on an open night, he should certainly give his vote for its taking priority of all others.

Mr. *O'Connell:* One would almost suppose that my hon. Friend, the Member for Marylebone, wishes to suggest that my opposition is factious. I say that the bill is factious. There may be a factious opposition, and there may also be a factious acquiescence.

Sir *B. Hall:* I do not understand the hon. and learned Member for Dublin. If he will speak in plainer terms, perhaps I may. All that I said was, that I would not be a party to any factious opposition. But if I find that the motion for adjournment is moved time after time in opposition to the sense of the House taken on the main question, I have no hesitation in saying, the gentleman who pursues such a course is pursuing a factious opposition.—[*Cheers.*]

Mr. *O'Connell:* I congratulate the hon. Member for Marylebone on the cheers which he has received from the opposite side of the House. I congratulate him also on his modesty. He declares that he could not understand me. I have not that misfortune; I understand him now well enough. The attack has come from him. He has had my reply, and, if there be any truth in that reply, he ought to feel it sorely; I hope he does.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Friday, June 12, 1840.

MINUTES.] Bills. Read a second time:—Customs Duties; Indemnity.

Petitions presented. By Viscount Gore, from Limerick, against Clauses of the Irish Municipal Bill.—By the Bishop of Exeter, from Londonderry, and other places, and by the Earl of Glengall, from Newtown, Mountkennedy, Cavan, Carrickmacross, and other places, against the Irish Corporation Bill.—By Earl Fitzwilliam, from Norwich, for an Alteration of the Sugar Duties.—By Lord Brougham, from Millers of Dundalk, against the Importation of Foreign Flour into Ireland.

ADDRESS TO THE QUEEN.] The *Lord Chancellor:* My Lords, I have to acquaint your Lordships that other noble Lords and myself have this day had the honour of waiting upon her Majesty with the joint Address of the two Houses of Parliament, to which her Majesty was pleased to return the following gracious answer:—

"It is with heartfelt satisfaction, that I receive upon the present occasion this Address from both my houses of Parliament.

"I am deeply sensible of the mercy of Divine Providence, to whose continued protection I humbly commend myself; and I trust, that under all trials, I shall find the same consolation and support, which I now derive from the loyal and affectionate attachment of my Parliament and my people."

On the motion of Viscount Melbourne, her Majesty's answer was ordered to be entered upon the Journals of the House.

PUBLIC THANKSGIVING.] Lord *Rolle* wished to know whether it was the intention of the Government to have a day of public thanksgiving, in consequence of her Majesty's recent escape from assassination? He was old enough to remember, that in the case of George 3rd, such a proceeding had been adopted, and he thought it would be only respectful to her Majesty to follow that precedent, in doing which no one would more heartily join than himself.

Viscount *Melbourne* admitted the propriety of the precedent alluded to, and was sure their Lordships all felt with the noble Lord opposite, that it ought to be followed on the present occasion. In answer to the noble Lord's question, he begged to state that it decidedly was the intention of the Government to have a day of religious observance.

SUNDAY TRAFFIC ON CANALS.] Lord *Hatherton*, according to notice, presented petitions from the Staffordshire and Worcestershire Canal Company, and from the parishes on the line of the canal, in all about twenty, praying for a law to prohibit the carriage of goods on canals and railways on Sundays. The noble Lord said, he hoped the present Session would not pass over without a measure on this subject being introduced. That measure ought to apply to railways as well as to canals, for it would be unfair to restrain canal companies from carrying goods on Sunday, if railway companies were to be at liberty to do so. He was not prepared to say that he himself would introduce any measure upon this subject, and he thought it was a question which ought to be taken up by the Government. He had endeavoured to acquire the best information in regard to this matter, and the almost universal answer he had received to his applications was, that it would be advantageous to prevent the carriage of goods on Sundays. He was convinced that no person would object to a general measure. All that was wanting was a simple enactment requiring that no traffic should be allowed between an early hour on Sunday morning —he did not wish to prevent it during the night—until sunset. He hoped the noble Marquess at the head of the Home Department would take the subject into his consideration. The noble Lord then presented twenty other petitions to the same effect.

The Bishop of *Lichfield* bore testimony to the evil and demoralising effects of Sunday traffic on canals. Boys attached to boats upon canals were polluted from the earliest age, and, owing to their being occupied on Sundays, there was no opportunity or chance of reclaiming them. A meeting had already been held in Staffordshire upon the subject, and the clergy were ready to lend their assistance in carrying into effect such steps as it might be deemed advisable to adopt. What they suggested was, that chaplains should be stationed along the lines of the canals.

The Marquess of *Normanby* agreed with the rev. Prelate, that the Sunday traffic upon canals had a very demoralizing effect upon the adjoining population. He had only to observe that the subject was under his consideration, but he could not then pledge himself to any of the remedies that had been suggested.

GRAND JURY CESS (IRELAND.)] Viscount *Duncannon,* in moving that the House resolve itself into a Committee on the Grand Jury Cess (Ireland) Bill, said, that nearly all the objects to be attained by it had been embodied in the Irish Corporation Bill of 1838, and in the bill of last year as amended by their Lordships. The main object of the bill was, to enable the town councils to exercise the same jurisdiction within the towns and boundaries attached to those towns as was formerly exercised by grand juries.

Lord *Lyndhurst* was desirous of calling their Lordships' attention to the nature of this bill, being of opinion that it ought not to proceed any further. In order to render it intelligible, it would be necessary to refer to the bills which had been introduced on the subject of municipal corporations in Ireland. When the bill of 1837, came up to their Lordships, it contained clauses by which certain boundaries were declared to be for the future Parliamentary boundaries respecting some of the boroughs, and municipal boundaries respecting others. In 1838, when the Irish Municipal Bill again came up to their Lordships' House, the Boundary Commissioners had made their report, and a bill was either in course of preparation or had been prepared to give effect to that report. Their Lordships had thought, and he believed rightly, that it was better to include the boundaries in the bill itself. Accordingly they annexed to it the boundaries to which the commissioners had agreed with some trifling exceptions, and inserted a clause in it to the effect that these boundaries should in future be boundaries of cities and counties for the purposes of the act—that was to say, for municipal purposes—but that the rural districts should be annexed to the adjoining counties. That provision, originating in their Lordships' House, went down to the Commons, where, with a trifling verbal alteration, it was agreed to. In 1839 another Irish Municipal Bill came up to their Lordships, and in that bill the Commons had adopted the amendments which their Lordships had introduced in the bill of 1838, and which the Commons had agreed to in the same year. The provision contained in that bill upon the subject of boundaries was to the effect, that the boundaries fixed in the bill should be for municipal purposes—that was, for the purposes of the act in cities and towns; but that the rural districts should be annexed to counties for the purposes of grand jury presentments and civil and criminal proceedings, under the authority of the courts of justice. That was the bill of 1839, which had originated in the other House of Parliament, and that was the provision it contained respecting boundaries, which their Lordships agreed to. Thus in two successive years, in 1838 and 1839, both Houses of Parliament had agreed to this regulation, that the rural districts should be united to the adjoining counties for the criminal and civil jurisdiction of the superior courts, and also for the purposes of grand jury presentments. That was the deliberate judgment of both Houses of Parliament upon two successive occasions. It was most extraordinary that in the Municipal Corporations' (Ireland) Bill of the present year this had been entirely reversed, and, so far from rural districts being annexed to the adjoining counties, they were to be annexed to the boroughs for the purposes he had mentioned. Upon what principle it was that the agreement of the two Houses had been abandoned in the present bill, and a new principle acted upon, had not been explained, nor did he understand it. What made it very objectionable was, that the commissioners who were appointed for the purpose of settling the boundaries, pointed out the grievance which existed under such a system—namely, the intolerable grievance upon the rural districts of being obliged to contribute to the expense of towns. It was on account of this grievance, so pointed out by the commissioners themselves, that their Lordships and the other House of Parliament had agreed to introduce the provisions he had adverted to, and which, without any statement or reason, had not only been abandoned, but the opposite system adopted in its place. Those who introduced the bill into the other House of Parliament seemed to have felt that it was impossible to sustain this proceeding, and that they were not justified in departing from a principle which had been adopted on two successive occasions by both Houses of Parliament. They seemed to have been sensible of it, and therefore had thought it necessary to introduce a bill for the purpose of correcting it. The noble Marquess opposite had told them on a former evening, that notice had been given of this bill at the time when the noble Lord, the Secretary for Ireland, introduced the Irish Municipal Bill. Now, one of the provisions in the bill he was adverting to was to bring back and alter the bill which was now lying upon the table, in order to make it correspond with the bills of 1838 and 1839. If what the noble Marquess stated the other night were correct, it was the most extraordinary proceeding that had ever entered into the mind of man. The reason for that proceeding was this,—those clauses to which he had alluded proposed that the powers now vested in grand juries should be transferred to the town councils hereafter to be appointed for the different boroughs. To this proposition their Lordships had last year expressed their decided objection, and the motive which appeared to have suggested the course now adopted was, that the bill might be accepted in its complete form, by mixing up the clauses and provisions to which their Lordships had previously objected with those which they had before adopted. The proceeding could not be explained in any other manner; and to render the bill at all acceptable it should have been divided into two parts. If that course had been adopted, their Lordships could have proceeded to propose amendments; but the bill could not by any means be taken into consideration in its present form. The course adopted with respect to this bill was nothing less than an intrusion on the privileges of their Lordships' House. After having been sent down from their Lordships, clauses had been introduced in another place, which removed the bill from their Lordships' control as respected further amendment, and on that ground he felt that it was the duty of their Lordships to throw it out. Indeed, they could not, with any proper feeling of what was due to themselves, adopt the present bill. Look, for instance, at the second part, the money part of the bill. Their Lordships had on a former occasion objected to the transference of the powers of the grand juries to the proposed town councils, in consequence of which the bill, when it went down to the other House, was lost. On this ground, too, he objected to the introduction of a measure containing clauses to which their Lordships had not only already objected, but which prevented their making any valid amendment in the bill. But he objected still more strongly to the power proposed to be vested in future town councils. Look at the control which they would exercise in some of the large towns in Ireland, and the amount of property which would be placed at their disposal. In Dublin they would have the control over from 30,000*l*. to 40,000*l*., and in Cork they would exercise a similar control over from 20,000*l*. to 30,000*l*. He would ask their Lordships whether, knowing as they must know, for late experience must have informed them, the manner in which these town councils were likely to be composed, they were prepared to vest them with such authority? On that ground also he objected to the bill. But he had another, and perhaps a still stronger objection. The grand juries of Ireland, as at present constituted, were placed under numerous guards and restrictions. These restrictions were supposed to be necessary to control the first and most respectable men in the country, and yet there was no control proposed by the present bill as regarded the town councils. He would mention a few of the checks by which the powers of grand juries in Ireland were controlled. The presentments were in the first instance submitted to the magistrates in session and the first class of ratepayers, who made their report thereon to the grand juries; the grand juries again investigated, sifted, and discussed the details, which, if they were considered wise, equitable, and necessary, were presented by them to be fiated by the judges. But by this bill it was proposed to vest all the power now exercised by grand juries in the future town councils, without providing any check or control. There was no provision enabling any cess-payer to question the expenditure, though the necessity of such control, must be obvious where such large sums were at the disposal of those bodies. There was, however, no provision of this nature to be found in the bill. He would ask whether town councils elected in such manner as the experience of the last twelvemonths showed that these bodies were likely to be elected, should be intrusted with such powers. In his opinion this objection was fatal to the bill. Their Lordships could not alter a tax bill. Should they propose to do so, it would be said elsewhere that their Lordships were interfering with the privileges of the other House, and that they were always too ready to do so. What, then, was the most dignified course for their Lordships, under the circumstances, to pursue? The most dignified course was not to infringe the privileges of the other House, but to reject the bill altogether, and to ask of the Commons to send up a bill to that House which would be freed from the objections to which this was liable. On these short, distinct, and, as he conceived, unanswerable grounds, he would move that the bill be committed that day six months.

The Marquess of *Lansdowne* wondered that the noble and learned Lord objected to clauses in the present bill, after having co-operated in framing clauses to a similar effect in a former measure. He had been appealed to as to his local knowledge, and he was aware that it would be most important and imperative to free the agricultural districts adjacent to corporate towns from the unnecessary amount of taxation to which they had for many years been subjected, at the rate of 10*s*., of 12*s*., and of 16*s*. an acre for the maintenance of institutions from which they derived no benefit. It was considered important by those who framed this bill, that where there was a great extent of agricultural country annexed, it should be emancipated from the expense, and annexed to the adjoining counties. The objection taken then by the noble and learned Lord did not apply; but it was a case of equity to the towns, when the agricultural districts were relieved from some burdens by the separation, to leave to the municipal bodies the administration of those local funds raised for local purposes. He had no objection to agree to any proposition for making the town councils more accountable, but the principle of the bill went upon accountability; for they were made accountable to those who paid the money which was placed at their disposal, and they might be sent away or turned out at the end of the year. The noble and learned Lord, then, had no right to say that the principle of accountability was not contained in the bill, for it was to be found there in its best shape, namely, that of responsibility. He did not mean to institute any comparison between the checks imposed on grand juries and those upon the proposed municipal bodies; but when the agricultural districts were separated from the latter, as they all agreed ought to be the case, it would be absurd not to give to the municipal body in the towns all the fiscal functions pertaining to it. He must confess, for his own part, that he had not sufficient local knowledge to see the efficiency of the checks which were said to control the grand juries, but he was aware that both in that and in the other House they had been frequently described as jobbers. He believed that at present the objections raised against the grand juries were fewer than formerly, but formerly the charge of jobbing was applied to them as a matter of course. The simple question to be determined by their Lordships was, whether there should be one body to tax the town, or whether two bodies should be established exercising functions which were strictly analogous. That was the simple question, and it was for their Lordships to determine it as they thought fit.

The Marquess of *Westmeath* said, that as the question had been asked whether there were to be two taxing bodies or one, he would answer it at the outset by saying, that if a smaller taxing power were to be vested in the municipal bodies, he should have been more content with the measure. The noble Marquess had stated that his security for the conduct of these bodies was, that they would have to be re-elected annually, and that that was tantamount to responsibility. He would ask noble Lords acquainted with Ireland, and he would request of them to answer him candidly upon the point, whether they ever found in the debates upon local matters, the reports of which appeared in the Irish newspapers, that the question had ever been fairly put or the facts really stated? If the question were fairly put in the present instance, and that the rate-payer was asked whether he would have such a power vested in the taxing body, his answer would be "Let us remain as we are." If an Irish gentleman got up in a public room to state the question fairly, he would be hooted out, or perhaps knocked down, for opposing one who proposed a tax of which he was himself to be the holder and the distributor, for poor Paddy was not permitted to know the real facts. The noble and learned Lord was right in rejecting this bill, and it was the business of the Government to see that whatever bills were returned to that House should be sent up in a shape which did not render them necessarily objectionable. It was not the business of those on his side of the House to amend the bills of the Government. He repeated, it was not their business to remedy the technical defects of Government, but when rational and well-considered measures were introduced, they should receive his best and most impartial consideration.

The Earl of *Wicklow* said, that the bill only affected five towns in Ireland which were counties of towns. As, however, the object proposed to be affected by the Municipal Bill was the reform of the corporations in Ireland, he did not see the necessity of having the Municipal Bill accompanied by the Grand Jury Cess Bill. There was one thing in the bill which was well worthy the notice of their Lordships—namely, that it proposed to transfer the power now vested in the grand juries to the municipal bodies, and yet at the same time it deprived those bodies of the power of paving their own towns. Government had not the confidence in those bodies to intrust them with the power of paving the towns, and yet it deprived the grand juries of the power over the roads to vest it in them. If they had confidence in these bodies to vest them with the macadamization, why not intrust them with the paving of their towns? These observations applied to Limerick, and to Drogheda. Here, then, were two towns with respect to which the bill was neither clear nor intelligible. Surely, then, it would be better to defer this bill, and the Municipal Corporations Bill, and leave the taxing powers with the grand juries, as at present. The noble Marquess opposite (the Marquess of Lansdowne) had candidly admitted, that he regretted the bill was not divided into two parts. Now, those who entertained the views held by noble Lords on his (the Earl of Wicklow's) side of the House, had in the other House of Parliament exerted their influence to do that which the noble Marquess regretted had not been done. Even after rejecting this bill, which could not be amended without infringing upon the privileges of the other House, there would be sufficient time yet to introduce a distinct bill, not liable to this objection, and for the noble Marquess opposite to use the influence he possessed with his Friends elsewhere to send up two separate bills for the consideration of this House. There was full time to remedy the difficulties which were presented in the way of this measure in a manner not only more satisfactory to this House, but to those parts of the country which were intended to be benefited by it. He thought the arguments of his noble and learned Friend below him to be so convincing, that he should vote, though fully disposed to enter upon the discussion of the Municipal Bill, for the amendment proposed by his noble and learned Friend.

Lord *Brougham* said, that as he thought the House should not begin legislation by giving a taxing power to town councils, and then exhibit a distrust of those councils; on that ground, approving as he did of the taxing and other clauses of this bill, he should give his vote in favour of the motion for now going into Committee, and against the amendment moved by his noble and learned Friend opposite (Lord Lyndhurst).

Their Lordships divided on the original question:—Contents 36; Not-Contents 96: Majority 60.

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Portman
Ripon, Bishop of
Rosebery
Salisbury, Bishop of
Saye and Sele
Seaford
Sherborne
Somerset
Stafford
Stuart de Decies
Sudeley
Sutherland
Talbot de Malahide
Torrington
Uxbridge
Vaux
Wenlock
Western
Yarborough
Zetland.

List of the NOT-CONTENTS.

DUKES.
Marlborough
Rutland
Newcastle
Wellington
Buckingham.
MARQUESSES.
Huntley
Bute
Downshire
Thomond
Exeter
Londonderry
Westmeath.
EARLS.
Pembroke
Devon
Winchilsea
Essex
Abingdon
Jersey
Haddington
Aberdeen
Hopetoun
Dartmouth
Tankerville
Warwick
Hardwicke
Delawarr
Beverley
Liverpool
Cadogan
Clanwilliam
Longford
Enniskillen
Wicklow
Clare
Bandon
Rosslyn
Limerick
Powis
Charleville
Orford
Lonsdale
Harewood
Verulam
Brownlow
Beauchamp
Glengall
De Grey
Eldon
Ripon
VISCOUNTS.
Hereford
Sydney
Hood
Strangford
Middleton
Gage
Hawarden
Gort
Beresford
Combermere
Canterbury.
BISHOPS.
Winchester
Carlisle
Gloucester
Exeter.
LORDS.
De Ros
Clinton
Willoughby de Broke
Colville
Middleton
Boston
Walsingham
Southampton
Montagu
Kenyon
Douglas
Rolle
Bolton
Carbery
Clonbrock
Redesdale
Ellenborough
Sandys
Churchill
Ravensworth
Delamere
Rayleigh
Downes
Wharncliffe
Feversham
Fitzgerald
Lyndhurst
Stuart de Rothesay
Heytesbury
De Saumarez
Abinger
De L'Isle.

Paired off.

NOT-CONTENTS;	CONTENTS.
Beaufort	Bedford
Buccleuch	Strafford
Argyll	Berners
Lothian	Petre
Cholmondeley	Leeds
Ailesbury	Lilford
Sandwich	Dacre
Moray	Thanet
Galloway	Lynedoch
Kinnoull	Norfolk
Airlie	Radnor
Bathurst	Shrewsbury
Digby	Ducie
Carnarvon	Suffolk
Mountcashel	Lovat
Wilton	Sefton
Sheffield	Bishop of Norwich
Falmouth	Stanley of Alderly
Stradbroke	Methuen
Dunraven	Wrottesley
Cawdor	Carlisle
Brecknock	Howden
Strathallan	Breadalbane
Doneraile	Carew
St. Vincent	Spencer
Canning	Cowper
Bishop of London	Barham
Bishop of Rochester	Bishop of Durham
Saltoun	Roxburgh
Sinclair	Dunfermline
Sondes	Byron
Carteret	Bishop of Chichester
Dunsany	Cloncurry
Prudhoe	Bishop of Ely
Colchester	Chichester
Forester	Bateman
Tenderden	Dinorben
Ashburton	Oxford.

Bill put off for six months.

MUNICIPAL CORPORATIONS (IRELAND).] On the Order of the Day for a Committee on the Municipal Corporations (Ireland) Bill, Viscount Melbourne moved, that the House do now resolve itself into Committee.

The Duke of *Wellington* said, it had been agreed, that this bill should not proceed until their Lordships had had an opportunity of becoming acquainted with the contents of the bill which their Lordships had just disposed of. The object of that bill was to fix the boundaries of certain corporate towns in Ireland, and under its provisions these towns were exposed, as the noble Marquess who had spoken upon it (the Marquess of Westmeath) had said, to the grievance of being taxed both by the grand jury and by the municipal councils. Now, in order to relieve those towns from this inconvenience, their Lordships, in the course of the last Session of Parliament, had made an amendment to a similar bill to this, and adopted a provision which went to relieve those towns from these double taxing powers. The House of Commons considered the amendment to be a breach of its privileges, and rejected the bill so amended, and the consequence was, the necessity of introducing a new bill in the present Session. That bill had been sent up to their Lordships with the same inconvenient provisions as were contained in the measure of last year—that was to say, with many clauses which had been introduced unnecessarily, to which the House had last year objected, and which the introducers of the bill just rejected had insisted, notwithstanding the remonstrances made elsewhere, should be included in the bill of this year. Now that bill had been rejected, and this House had not the power of applying a remedy for the grievances which were admitted to exist without a breach of the privileges of the other House. Under these circumstances, he thought their Lordships ought to postpone the consideration of the Municipal Corporations Bill, for a few days, until an opportunity was afforded her Majesty's government to introduce such a bill as this House could agree to, in order to relieve the corporate towns from those grievances for which last Session the House had attempted a remedy, and from which they would have been relieved if the bill, as amended last year by their Lordships, had been allowed to pass into a law. On these grounds, he should move as an amendment, that the further consideration of the Municipal Corporations Bill be postponed until Friday next.

Viscount *Melbourne* said, the postponement of the present bill until the measure just now disposed of, came up from the other House of Parliament, had been urged by noble Lords opposite, and not by his side of the House. He had only acquiesced in the postponement in compliance with the wish expressed by noble Lords opposite. At the same time, he must say, that the Government was not in the slightest degree, bound to acquiesce in now further deferring the consideration of the Municipal Corporations Bill; and he must take leave to say, that after the length of time which had elapsed since this bill had been brought up from the other House—after the repeated delays which had taken place since the commencement of the Session, when this bill was first laid on the table, what could be expected as the effect and result of every further postponement but to show a determination not to take the bill into consideration at all, and not to carry into effect, the arrangement entered into, and thus produce the ultimate defeat of the bill. This postponement was proposed to evade the undertaking entered into by the other side of the House, which otherwise could not be got rid of. Not admitting that any grounds had been stated for further postponing this bill, but abiding by the principle on which it had been postponed till this time, he could not reconcile it with his sense of duty to consent to any further postponement, and, therefore, he must press upon their Lordships, that they do now take the bill into their consideration.

The Duke of *Wellington* said, he must make an observation, in consequence of what had fallen from the noble Viscount. The noble Viscount had said, that this was an attempt on his part to postpone the bill beyond the day fixed for its consideration. Now, he had understood when this bill was last spoken of, that the noble Viscount postponed it, as the other bill had not yet come up, and could not come up for a certain period of time. He thought, also, the noble Marquess opposite had stated, at an early period of this Session, that the other bill just now disposed of was necessary to relieve the grievances which would exist under this bill in certain districts. The noble Viscount said, the object of the now proposed postponement was to defeat this bill. Now, he (the Duke of Wellington) wanted to know if there was any intention on the part of the noble Viscount to carry it, because, if so, nothing would have been easier than last week for the Government to have adopted the proposition made by an hon. Friend of his, that the bill just rejected should be divided into two bills. Thus all inconvenience would have been avoided, and the consideration of the enactments of this bill which every body admitted must become law, might have now proceeded. He said, that they had the power to carry them. Why did they not put a clause into this bill originally which would have enabled them to carry into execution their measure with respect to these boundaries? But no; they had not done so; they did not choose to do that. Why did they not take care that the other enactments were so framed, that that House should have the power of pronouncing "content" or "not-content?" But no such thing; they sent it up there in as objectionable a form as in the last Parliament, and they must either do that which they had done on this occasion, or pass that which was an improper measure.

The *Lord Chancellor* then put the question. The question was, "That the House resolve itself into a Committee;" since which it had been moved, "that the House resolve itself into Committee on Friday next."

Strangers were then ordered to withdraw, and their Lordships divided on the original question: — Contents 68; Not-contents 94: Majority 26.

Committee put off till Friday.

HOUSE OF COMMONS

Friday, June 12, 1840.

MINUTES.] Bills. Read a second time:—Prisons' Discipline (Scotland); Railways.

THE QUEEN'S ANSWER.] The *Speaker* said—I have to report to this House, that both Houses have been this day to her Majesty with the Address, to which her Majesty has been pleased to give the following most gracious answer:—

> "It is with heartfelt satisfaction that I receive this address from both my Houses of Parliament. I feel deeply sensible of the mercy of Divine Providence, to whose continued protection I humbly commend myself; and I trust that, under all trials, I shall derive the same consolation and support which I now derive from the loyal and affectionate attachment of my Parliament and my people."

BUENOS AYRES.] Mr. *Maclean* had a question to ask of the noble Lord, the Secretary for Foreign Affairs, in accordance with the notice which he had given yesterday. He was anxious to learn from the noble Lord whether, consistently with the public service, he could state what was the present position of the negotiations between England and France with reference to the blockade of Buenos Ayres. He was also requested by persons deeply interested in the commerce between this country and Buenos Ayres, to ask whether there was a probability of this difference being speedily brought to a close, and of British merchants being enabled to resume those relations which had now been interrupted for two years.

Viscount *Palmerston* replied, that the present state of the negotiations between France and Buenos Ayres, as regarded the good offices of England, was this:—Some time ago, Admiral Dupotet went out from France to take the command of the French squadron. M. ——, a French diplomatic agent, was also sent out at the same time, with powers to negotiate. After remaining some weeks at Monte Video, the Admiral proceeded to Buenos Ayres. Mr. Mandeville, the British agent there, entered into a negotiation with him, and arranged to meet him on board the Actæon. At that meeting, Mr. Mandeville, by authority from the government of Buenos Ayres, made certain propositions to Admiral Dupotet, with a view to an arrangement between France and Buenos Ayres. The day after that another interview took place on board the Actæon between Mr. Mandeville, Admiral Dupotet, and Senor Arrieros, the Buenos Ayrean Minister for Foreign Affairs. Admiral Dupotet stated that he himself had no authority to negotiate, the authority being vested in M. ——, and returned to Monte Video to communicate with him. M. —— did not feel himself authorized to accept this proposition, and thought it his duty to refer the matter to the consideration of the French government. The proposition was accordingly so referred, and arrived in Paris some short time since. But, he was not, of course, able to state to the House what proceedings had been taken by the French government. It was a duty on his part, not to express any opinion which he might entertain as to the probability of an early or late termination of the dispute. This much he could state, that no efforts would be wanting on the part of the British agents to bring the two parties to a fair and just arrangement.

NAPLES.] Mr. *Bailey* said, that it was now nearly six months since the return of Mr. Macgregor from his Italian tour, and he wished to ask the noble Lord when that gentleman's report would be laid on the table of the House?

Viscount *Palmerston* said, that there was no report to be furnished by Mr. Macgregor. The purpose for which Mr. Macgregor was sent out was this:—For some time a negotiation had been going on between the Neapolitan and English Governments, with a view to the establishment of a new commercial treaty to supersede that of 1816. A part of the proposed arrangement was to alter the Neapolitan tariff. The object for which Mr. Macgregor was sent out was, that in conjunction with some commissioners appointed by the Neapolitan government, he should go over the Neapolitan tariff, and come to an understanding as to the amount of the new duties. This arrangement was to take place only in the event of the two governments agreeing to the treaty then under consideration. The further proceedings were necessarily suspended, it being impossible for the British Government to conclude a new treaty until the old one was faithfully adhered to. Mr. Macgregor had been sent out for the single purpose which he had mentioned. There was, therefore, no report from him. It would be improper at present to lay before Parliament an account of the particular duty which Mr. Macgregor had performed, and which made part of a general negotiation not yet concluded.

GOVERNMENT OF CANADA.] The order of the day for the third reading of the Canada Government Bill having been moved and read from the chair,

Mr. *Hume* said, he thought it important that the present system of arbitrary government should be put an end to. He therefore withdrew his opposition to the bill, though he protested strongly against the system which had been pursued with reference to Canada.

Sir *G. Sinclair:* I cannot allow this bill to pass through its final state without briefly and respectfully recording the grounds upon which I altogether dissent from its provisions. I think that the disjunction of the Canadian provinces which took place in 1791, was a wise and statesmanlike act—and the reasons which at that time led to its adoption, continue to subsist in their full force—there being still the same marked and palpable difference between Upper and Lower Canada in respect to language, habits, interests and religion. The partnership was dissolved by mutual consent. I do not believe that either party is at all desirous to renew it, but the noble Lord determines to force upon them a connection to which they are both averse.

Diductosque jugo cogit aheneo.

I fear that the compulsory union of the two provinces will accelerate the separation of both from the British empire. This measure is so constructed as to give a triumph to the French over the English, to the Roman Catholics over the Protestants, to the traitorous over the well-affected. I do not mean to charge the Roman Catholics as such with disloyalty to the Crown, but it would not be denied even by themselves, that they entertain a deep-rooted hostility to the Protestant Church, and whatever differences might subsist between them on other points, are all suspended or forgotten when an opportunity occurs in any quarter to injure the Protestant religion or to further the interests of their own. I cannot, therefore, doubt that in the joint legislature about to be created, the Roman Catholics of both provinces will cordially unite on all occasions in endeavouring to cripple, to undermine, or to annihilate the Established Church, to impair its influence, and diminish its revenues, whilst the unhappy dissensions which so often prevail among Protestants of different denominations, may prevent them from making common cause against the common enemy. Government, Sir, is perhaps of all others the word, to which it is most customary to affix certain vague and indefinite epithets which convey very different meanings to different minds. Some persons are fond of saying, that they are the friends of good Government—but who ever set up as a champion of bad Government? and the expression good Government would bear a very opposite signification at Petersburgh, or at Philadelphia. Others again are all for cheap Government. Now no one, it may be presumed, would be an advocate for dear or profuse Government; but the word dear would by no means be similarly construed by my hon. Friends the Members for the University of Oxford and for Kilkenny. In this instance the cry is for responsible Government. But this phrase also admits of various meanings, and I am persuaded that in the mouths of those who are so clamourously insisting upon it on behalf of the Canadas, it means a Government altogether responsible to themselves, and which shall, as soon as possible, divest itself of all responsibility to the British Parliament or to the British Crown. I cannot help thinking that the weight of authority, so far as opinions are unbiassed and uncontrolled, preponderates against this bill. Notwithstanding the talent and acuteness by which the Earl of

Durham is so highly distinguished, it seems to be generally conceded, that his recommendations were somewhat hastily adopted on his part, and were to a considerable extent, founded on erroneous impressions. The plan of uniting the provinces is altogether disapproved of by Sir F. Head who governed one of them with so much wisdom, and saved it with so much energy, from becoming a prey to rebellious incendiaries—it is condemned by that distinguished man Sir Peregrine Maitland—it is denounced by the high authority of Chief Justice Robinson, and the sentiments of certain other very celebrated public functionaries, are, to say the least of it, very imperfectly ascertained. The bishop of Toronto, and many members of the Assembly in Upper Canada, are hostile to the measure, but their voices are unheard, and their remonstrances unheeded. From Lower Canada, too, a petition has been lately presented against the union, the signatures to which are both numerous and respectable, the sentiments loyal and patriotic, the arguments solid and conclusive, and I believe that many of the French inhabitants will rue the day on which "Monsieur Tonson" was first enquired after at the Government house. I lament that I am compelled on this occasion to differ from my right hon. Friend the Member for Tamworth, and other respected politicians on this side of the House, but I have observed that many measures which the great Statesmen of both parties concur in honouring with their furtherance and approbation, have often turned out to be lamentable failures, and far more injurious than beneficial to the general interests of the country; besides which, my right hon. Friend does not himself entertain a decided confidence in his own opinion, and seems reluctantly to sanction this project of union as a preferable alternative of evils. I contend that the sentiments of the inhabitants have not been fully ascertained in either province, that undue means had been resorted to for the purpose of extorting an appearance of assent and stifling the language of dissatisfaction. In proof of this, I shall read the following dispatch, addressed by the noble Lord to Sir J. Arthur, on the 16th October, 1839:—

"Sir,—I am desirous of directing your attention to the terms on which public offices in the gift of the Crown appear to have been held throughout the British colonies. I cannot learn that during the present or two last reigns a single instance has occurred of a change in the subordinate colonial officers except in case of death or resignation, incapacity, or misconduct—it is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will hereafter be observed on this subject in the province of Upper Canada. You will understand and cause it to be generally known, that hereafter the tenure of colonial offices held during her Majesty's pleasure, will not be regarded as equivalent to a tenure during good behaviour, but that such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure."

I hoped, Sir, that such a communication would be read with indignant reprobation by Governor T., who in this country had ever been a friend to the ballot and a declared enemy to undue influence, but on passing to the next passage of the pamphlet from which this document is extracted, I was mortified to find that his Excellency also had turned over a new leaf since his arrival in Canada, for he states to the noble Lord in reply, "this publication appears to have been attended with good effects." On reading a declaration which seems to me to be so much at variance with his former professions, I was unable to refrain from exclaiming, "Oh! Poulett Thomson, Poulett Thomson, oh!" Her Majesty's Ministers ought, at all events, to have conferred upon the Members of the local Legislature the same latitude which they conceded to themselves, and to have allowed the subject of the union to be an "open question" as is here the case with the Corn-laws, the Ballot, and many other measures of primary importance. I wish to speak with great respect of the abilities and patriotic intentions of Governor T., but I do not think that from the shortness of his residence in the colonies, his advice can be entitled to be put on a level with that of his predecessors who, in addition to equal sagacity, had the benefit of longer experience. His Excellency might well exclaim, *veni* I landed, *vidi* I made a tour, *vici* I carried every thing before me. But this victory has in part at least, been achieved by the ungenerous expedients of improper influence and intimidation. A threat, or even an indirect insinuation that the British troops would be withdrawn if this plan were not assented to, is equivalent to an intimation on the part of the chief authorities in any district notoriously infested by incendiaries, that if some luckless proprietor did not accede to a scheme, of which in his heart he altogether disapproved, all the fire engines within 100 miles shall be removed at a moment's warning. I cannot sit down without expressing my astonishment that Mr. Baldwin should have been selected to hold a high office under the Crown, a gentleman who, to say the least of it, had in a most critical emergency, displayed a culpable lukewarmness and such a neutrality as Solon, at least, would have loudly condemned. Why have so many lawyers of equal talent and more conspicuous loyalty, incurred the unmerited mortification of being passed over on his account? Is there not too much reason to believe that under the present system of colonial Government the disaffected may rely upon toleration, forgiveness, and recompense, whilst individuals most distinguished for their zeal and for their exertions in behalf of British interests, are systematically discouraged and neglected. I will not detain the House by any further observations, but being conscientiously persuaded that this bill is hailed with approbation by all partisans of Canadian independence as greatly tending to promote the success of their cause, and is either tacitly or avowedly dreaded and deprecated by the most attached adherents of the mother country, I shall conclude by moving, that it be read a third time this day six months.

Sir *R. Peel* said, his intention was to give his support to the third reading of this bill. He felt it to be necessary to the honour and credit of Parliament, that something decisive should be done now for the government of the Canadas. After the years which had been spent in deliberation upon the state of the Canadas—after the many commissions which had been instituted—after the numerous inquiries which had been made, unless the House was now prepared to take a decisive course, either by passing this bill or by suggesting some alternative for it—if they referred the question again to the Canadas, rejecting the Government plan, and substituting no other for it, it would be undermining British ascendancy in Canada, and bringing into contempt the supremacy of the British Legislature. He wished hon. Members to tell him what course they were prepared to pursue, in case they did not adopt the bill of the noble Lord. He asked that question, because matters he thought were at last arrived at that pass, when the rejection of the measure proposed by Government ought to be accompanied by the proposition of another measure in its stead. He knew of no alternative but to attempt to unite the two provinces, or to continue the arbitrary system of government in Lower Canada for an indefinite period, leaving Upper Canada under its present constitution, or to divide the two provinces into three separate districts, and to appoint in each a popular and representative government. With respect to the latter course, he knew not what were the feelings of the inhabitants of the two provinces upon it, and, therefore, he would not discuss it further at present. Then, as to the course of maintaining Upper Canada on its present footing, and of continuing the government of Lower Canada under a Governor and Special Council, he should like to know for what period that course was to be pursued? Did they mean to continue it indefinitely? If they did not, if they meant to restore a Representative Government to Lower Canada, did they anticipate the arrival of any period at which that restoration could be effected with less difficulty than at present? From all the accounts which he had perused, it appeared that the feelings of animosity arising out of the late lamentable insurrection were allayed as much as it was possible that they could be, and that there was not a prospect during the next six or seven years of restoring a popular government to Lower Canada, and of affecting an union with Upper Canada, at a period preferable to the present. He called upon hon. Gentlemen to consider in what a state the province of Upper Canada would be during that time. Was it to remain in the expectation of an eventual union, with a Legislature doomed to death at the end of a certain number of years, and with every prospect of improvement in a continual state of paralysis? Would they prevent the upper province from enjoying during that time, all the facilities of intercourse which nature had provided by means of the St. Lawrence, and which were essential to its commerce and its welfare? Besides, did not hon. Gentleman recollect, that in the preamble of the bill suspending the constitution of Lower Canada, Parliament had given a pledge that constitutional Government should be restored as soon as possible in that country? In giving his consent to this measure, he did not mean to conceal from the House, that he could not view it without great apprehension. He defied, however, any person to form a Government in those provinces after all the dissension by which they had been distracted, after the formidable rebellion which had recently taken place in them, with a full consideration of the habits of the people, and their division into two races, one well attached, and the other hostile, to British connexion; he defied, he said, any person with a full consideration of all that had passed in Canada, during the last seven or eight years, to frame a form of government for them which should be totally without danger. Such a notion was perfectly chimerical. The House therefore had to decide between two dangers—that of leaving things as they were at present, and that of amending them by the present bill. He wished the House was fully aware of the importance of this measure. He believed that this question of colonial relation, and the obligation which that relation imposed, the war in which they might be involved for the maintenance of it—he believed, he said, that the relation in which England stood at present to the Canadas, involved considerations far more important than those which affected its relations with any state of Europe. The House had declared its intention to maintain the union of the two Canadas with Great Britain; the people of the two Canadas had also declared their intention to stand by that union; and, therefore it must be protected at all risks and against all parties who might feel inclined to infringe it. He doubted whether he could have suggested a better scheme for the good of the Canadas; certainly he had at present no better scheme to offer; and he preferred the attempt to govern the Canadas by a union of the two provinces to any other which had been proposed. What decided his mind in favour of the union, was the preponderance of the local authorities in the provinces in support of it. If he had heard from the province of Upper Canada strong objections to the proposed union, he should have deferred to their opinion, and would not have proceeded further. After their noble sacrifices to preserve British connexion, if the people of Upper Canada had expressed a wish to decline the proposed union with the lower province, their opinion would have been decisive with him. But what was the fact? He deferred to the judgment of those who were on the spot—of those who had knowledge of the local circumstances of the province, and who were the best judges of their own interests—and he found in the printed papers before the House, decisive preponderating evidence in favour of the union over every other scheme. He took the opinion of the people of the Canadas, the authorities of the Canadas, and of the Governors of the Canadas. Lord Seaton, in his despatch, dated the 28th of July, 1839, after having stated, that he had given full public notice, that Government intended to propose a union between the two provinces, made a report on the feelings of the inhabitants of both provinces with respect to that measure. He said, that the French Canadians, who were opposed to it last year, were not so adverse to it now, and that the Upper Canadians looked forward to it as a measure, that would relieve them from many embarrassments, and promote their internal and commercial interests. With respect to the constituted authorities of the provinces, there was only one such body in Lower Canada—the Special Council appointed by Sir J. Colborne. Mr. Thomson, the new Governor, did not call a new Special Council, but submitted the question of the union to the old Council, who came to two resolutions upon the subject. It was necessary, that he should vindicate the course he was now taking, by referring to the testimonies of competent persons to show, that the measure was in accordance with the feeling of the people of Canada. He must place on record the evidence in dependence on which he overruled his own apprehensions. The Special Council declared, that:—

"In order to provide for the peace and tranquillity, and the good constitutional and official government of the two provinces, the political union of the two provinces under one Legislature, in the opinion of this Council, has become of indispensable and urgent necessity." (And that) "The declared determination of her Majesty, to re-unite the two provinces, is in accordance with the opinion entertained by this Council, and receives their ready acquiescence."

These resolutions were not hastily adopted; they were contested, and out of fifteen members of the Special Council, twelve voted in approval of the resolution, and three only objected to it. The Legislative Council of Lower Canada affirmed the principle of the union, and presented an address to Mr. Thomson, in which was the following passage:—

"In conformity with the desire of your Exrcellency, we have applied our deliberate consideration to the various complex interests and objects involved in the measure, and most humbly express our gratitude to her Majesty for having granted her sanction to the measure, which, from our local knowledge and the experience we have had of the government of these provinces, and their past and present political state, we deem essential to the future peace and welfare, and good constitutional government of the same, under the protecting care of her Majesty."

A division was taken, an amendment was moved, and the Legislative Council affirmed the address by a majority of thirteen to two. The same course was pursued in Upper Canada; the question was not committed to a new Assembly, but left to the decision of an old one, called under entirely different circumstances by Sir F. Head. The Legislative Council declared in favour of the bill, by a majority of fourteen to eight. They said, that a re-union of the provinces had become indispensable to the restoration of good government, and the maintenance of their connection with the parent state. The Assembly took a course exactly consonant with this, and, by a majority of forty-four to eleven, approved not only of the principle, but of the general enactments of the bill. He (Sir R. Peel) found it utterly impossible to resist the evidence he had produced of the opinion of the inhabitants of Canada, of British race, and the constituted authorities, in favour of the present measure. It was said, that undue means had been used for the purpose of extorting those opinions. He must say, he had a better opinion of the inhabitants of both Upper and Lower Canada, at least of those who had been called to the chief offices of state, than to believe, that after public notice, they would have acted so dishonourable, shabby, and effeminate a part as to have shrunk from the performance of their duty on account of some cajolery of a Governor who had arrived amongst them only two months before. He had seen it publicly stated, that his opinions in favour of a union had been quoted by Mr. Thomson. He could not believe the fact; he could not believe, that that right hon. Gentleman had made any use of his name, for he had never had one word of communication with him directly or indirectly either by conversation or writing on this subject. Mr. Thomson had no other means of knowing them than any other member of the community. Last Session he had objected decidedly to affirm the principle of the union, unless Government were prepared to carry it into effect immediately, because he would not consent to any abstract resolution, unless it were to be forthwith put in execution. He should, indeed, despair of Canada, if this were not the free expression of the public will; because the people of that colony were not fit to be intrusted with self-government, if they could be persuaded to conceal their honest opinions under the influence of any such motive as he had supposed. He was not inclined to lay great stress on the opinions of Lord Durham, or Mr. Thomson, who had been but a short time in the colony, but he certainly did attach the greatest weight to that of Lord Seaton. The respect he had for the character of that noble and gallant Lord, the offices he had filled in Canada, the opportunities he had had of understanding the interests and ascertaining the feelings of the inhabitants in both the upper and lower provinces, would induce him (Sir R. Peel) to give the greatest weight to Lord Seaton's opinions. It was from the despatches of the noble Lord alone, that he drew his knowledge of the noble Lord's opinions; those despatches he had read with great care, and he certainly could not form the conclusion that the noble Lord was unfavourable to the principle of the union. He could not believe that Sir G. Arthur's opinions were unfavourable to the principle of the union, and he said at once, if Government knew that so high an authority did entertain opinions different from those which he had a right to assume that sir G. Arthur held, according to the documents before the House, then the responsibility they incurred by conciliating Parliamentary support towards this union by a suppression of important information, which might have led hon. Members to adopt other opinions, would be fearful indeed. But it was in the confidence that no such formal, authorized, and substantial contradiction could be given to these supposed opinions of Sir G. Arthur, that he now gave his assent to the measure. It was because no better measure had been suggested—because both the people and the constituted authorities of both provinces, according to the testimony of Lord Seaton and the recorded resolutions of those bodies, had declared their wish for such a measure, and on the latter ground mainly, that he had overcome the apprehensions he entertained, and brought his mind to assent to this measure. He regretted that he had not been in the House when the bill was in committee, in order that he might have been able to give its details a fuller consideration, and he should wish even now that the noble Lord would recommit the bill, if he could do so without hazarding its loss by delay. He must at the same time say, that it was a bill on which no one but a Member of the Government could propose any important amendment, and the same reason which made him assent to the principle of the bill made him very reluctant to meddle with the details. But if any suggestions of importance were offered to the noble Lord in this absence of all party views and party spirit, he did hope that the noble Lord would see the propriety of interposing the delay of two or three days between the third reading and the passing of the bill, if he thought they were entitled to weight. He fairly owned to the noble Lord, that he thought the majority of the representatives in the new Assembly, influenced by British feelings and interests, and in favour of British connexion, would be a very narrow one. He did not think that the mercantile community and mercantile interests would be sufficiently represented under this bill, and it would be a very great improvement if, without doing injustice to any party, or disturbing the territorial settlement, a full representation could be secured to the mercantile population connected with the trade to the mother country. He observed that there was a difference of some consequence in the conditions under which partners in a mercantile concern enjoyed the franchise in Canada and in England. In England, when the premises occupied by a firm were valuable enough to give each partner a 10*l.* interest in the rent, he was entitled to vote. In Canada this was not so: only one could vote under such circumstances. There were one or two other points of detail to which he wished to call the attention of the noble Lord. He thought the first suggestion of Lord Durham, that there should be no vote of public money, except, as in this country, at the recommendation of the Government, was a most important one. It was also a most important object that there should be a permanent civil list to provide for the necessary expenses of the Government. We ought to disabuse the colonists of any impression that we wished for any pecuniary advantage from our connexion with them, and to make it known that the reason we required a civil list was, that we had a right to expect that the good government of the Canadians themselves should be permanently provided for. There were two civil lists; the first permanent, of 45,000*l.* for the judicial establishments; the next, determinable five years after the demise of the Crown, of 35,000*l.*, for the governor and administrative functionaries, in consideration of which the territorial revenues of the Crown were to be made over for the use of the colony for a certain period. He wished to call the attention of the noble Lord particularly to the 56th clause. He thought it of great consequence that they should make such a settlement as would leave no danger of any conflict with the new Assembly. The noble Lord proposed that, after the re-union of the provinces, the duties and revenues of the provinces should be formed into a consolidated fund, and the 56th clause of the bill had these provisions—that the expense of collecting the duties and revenues should be the first charge on the fund; that the annual interest of the public debt of the provinces of Upper and Lower Canada, now or hereafter to be incurred, should form the second charge thereon; and then the clause went on to provide that the permanent civil list of 45,000*l.* should form the 4th charge, and the contingent civil list of 35,000*l.* should be the 5th charge. This clause, therefore, not only enabled the Colonial Legislation to pay the interest on the existing debt, of which the amount was known, but also to create a lien on the fund to pay the interest of any future debt which they might think proper to incur. Supposing, therefore, that the Colonial Legislature, seeing that they had the power to contract a debt, should borrow 3,000,000*l.* or 4,000,000*l.* for local improvements, did not that excite in the noble Lord's mind an apprehension that the guarantee which they had for the civil list might be entirely at an end, and that they might hereafter have to discuss this question with Canada on more unfavourable terms than at present, as they would have nothing to give Canada in return? In his opinion, it would be better to tell the Canadas at once that the security of a civil list was an indispensable provision in the present arrangement, and therefore, to make the civil list the first charge on the consolidated fund after the expenses of collection and the interest of the existing debt. The next point to which he wished to refer was the source from which these revenues were to be derived. The noble Lord proposed to give up to the Assembly for local purposes the crown and territorial revenues. Now, there could be no question whatever as to the expediency of this plan, supposing the revenue was to be received from the rents of the lands; but, if any considerable portion of revenue was derivable from the sale of the land, it was quite clear that every amount derived from that source was a sale of capital.

Supposing, then, that during the life of a sovereign, who had reigned thirty or forty years, any considerable portion of the territorial revenues had been raised from the sale of land, the Colonial Assembly might say, upon a demise of the crown, "We are not in the same position as we were when we made the former arrangement, as you have not the same equivalent to offer for a civil list, and consequently there are not the same considerations for us to grant it." He hoped, therefore, that the noble Lord would take every precaution that could be taken, and not be content with merely solving the difficulties of the present day, but that he would take every security possible, that on the termination of this civil list arrangement, the Crown should stand in the position in which it now stood, and that future civil lists should be provided for. He would not enter into further details, but he should be much gratified if the noble Lord should feel the necessity of directing his attention to the points which he had mentioned; first, the conferring on the mercantile interest of some certain share in the representation of the province; secondly, that the interest on any new debt should not be a prior charge on the consolidated fund to the civil list; and lastly, to prevent the Crown, by the present alienation of land, from drying up the resources upon which they could most rely for a future revenue, and to make some permanent arrangement for a civil list. He thanked the House for the attention with which he had been heard on a subject which was nearly exhausted in point of argument. He entreated the House to consider that they were now contracting new obligations, placing the government of the Canadas on, he hoped, a sure foundation, and giving the colonists new assurance that as long as they were willing to maintain their connexion with this country we would give them support to the uttermost; but he wished to say, that while we took upon ourselves the onerous obligation of maintaining the security of possessions separated from us by a distance so immense, we had at the same time a right to say, "Give us some security that our connexion shall not be disturbed by those acrimonious disputes and dissensions which have already occurred; give us, not for our sake, but for your own, a permanent civil list, and give us some guarantee that British interest shall so far preponderate, that without fresh risk and hazard we may be enabled to maintain the connexion between the two countries so long as you are inclined to abide by it."

Sir *R. Inglis* said, that as his right hon. Friend, though without office, was in fact the responsible Minister of the Crown, for without his right hon. Friend's sanction no measure could pass that House, and as such sanction had been given, it was idle for him to expect that his own opposition could be successful; but though the bill was already law, as far as the House was concerned, he must, sharing the responsibility, state his objections to the measure. His right hon. Friend had said, that the House had a choice of difficulties, and had pointed out three courses which it was possible to pursue. [The first of these was to unite the provinces under a constitutional Government, or secondly to leave a despotic Government in Lower Canada,] or thirdly, to make a division of the Canadas into three provinces, as suggested by Chief Justice Robinson. But there was a fourth proposition, to which his right hon. Friend did not seem to have directed his attention at all. It was to leave the constitution of Upper Canada as they found it, and to give a new constitution to Lower Canada *per se.* He objected to the union as pregnant with danger. Had it, as now projected, been established five years ago in Canada, was there a man in that House who was not convinced that instead of the British flag waving as it now did, over Montreal or Quebec, there would float a flag consisting of twenty or thirty various colours, and that instead of discussing a civil list for Canada, we should have had an application from the Chancellor of the Exchequer for an additional grant to increase our army and navy for the security of our Canadian possessions. His right hon. Friend had stated, that all the local authorities were in favour of an union of the provinces, but certainly, up to 1838, at least, all the governors of the respective provinces were adverse to it. He did not know whether Sir John Colborne, now Lord Seaton, had modified his opinion, but Sir Francis Head was decidedly opposed to it, so also was Chief Justice Robinson. As to the opinions of the Legislative Council, who now held their places at the will of the governor, they could not exercise an independent judgment, as last year they were entitled and enabled to do. Believing that the preponderance of British interests, which was the most important point to be considered, would be materially affected by this bill, and holding that they had no right to legislate, even at the desire of the colonists, without reference to the influence which that legislation would have on the interests of the mother country, and believing that the union of the two provinces would tend to the disunion of both from the mother country, and considering also that the consequence of that union would be to raise up the anti-Protestant party in the colony, and to degrade the Protestant party there, he should second his hon. Friend in the opposition which he had offered to the bill.

Mr. *E. Ellice:* It was not certainly his intention to have troubled the House before the third reading was agreed to, however strongly he felt some objections to certain clauses in this bill. But as the right hon. Baronet had stated some objections to other clauses, and as he thought it likely that his noble Friend would reply, it might be as well for him to state his views at once, rather than have a division and subsequent debate when the bill passed its present stage. Before he made any observations on the measure itself, he must express his surprise that the hon. Baronet (Sir R. Inglis), placing entire confidence in the right hon. Gentleman (Sir R. Peel), holding him to be the responsible Minister of the country, and being on all occasions ready to support him, should have now deserted him on the grounds which he stated. But whether the hon. Baronet thought the course of the right hon. Baronet good or not, he, on behalf of the people of Canada, begged leave to express to the right hon. Baronet his warmest thanks for the candid and able manner in which he had come forward to share the responsibility of this measure. He knew of what value the right hon. Baronet's support would be reckoned in that country—he knew of what value it was that nearly as unanimous an assent as possible should be given by that House. Therefore he, for one, felt deeply the obligation which the right hon. Gentleman had imposed on the friends of Canada. With the right hon. Baronet he entertained considerable apprehensions with regard to the issue of this settlement. He never disguised from himself that adopt what suggestions they might from men entitled to great weight and authority, still any experiment which might be determined on would be attended with great risk and danger; but he entirely agreed with the right hon. Baronet, that in the midst of the difficulties which surrounded the question we had mainly to look for their solution to the declared and recorded opinions of the majority of the inhabitants for whose interests we proposed to legislate. He himself, though he had been of the earliest advocates for the principle of the proposed measure, must confess that his conviction was considerably shaken, especially when he called to mind the extended region which it was intended to administer under one Government; and he believed that it was well known to his friends, that his opinion was, that a congress (however the word might " shock ears polite ") was necessary, so that two local Legislatures should govern the local interests of each country, and that a central Legislature should be formed to superintend the general interets of both countries. That was a question which made him hesitate to take so bold a step as the proposal of an union. He thought, if his suggestion were adoped, even though they should fail in new proposals, they had still the old local Legislatures to fall back upon. But, whatever opinions he might have formed on mature consideration, and on a knowledge of the circumstances of the country, of which he had some experience, he was perfectly willing to give up, on the expression of the general feeling of the inhabitants as to what they considered best for their welfare. Although he had then an apprehension that we might incur considerable risk, even when recommended by every person of any authority on the subject, and by the recorded opinions of all the constituted authorities in Canada, he still must say that he was not without considerable hopes of its success. He believed, that the people of that country were perfectly sick of the agitation which had prevailed. He believed they were prepared to accept any settlement of affairs which gave a hope of the restoration of peace—of the ordinary pursuits of industry being conducted in security, and that the improvements which it was impossible to attempt under the old state of things would be carried into operation under the influence of a government measure. He was confirmed in that opinion by all the information which had been received on the subject of our Canadian difficulties. He did not despair of the French population accepting, on reflection, the proposed measure as one which would contribute mainly to the formation of their own interests. And as it was now decided to make this a British colony, and to have British interests paramount in it, he could not but hope that the French population, which was characterised by as good moral conduct and as good feeling as any in the world, would become reconciled to the English Government, and cordially act with their British brethren to secure the well-being of the whole community. This was, he repeated, his fervent hope, accompanied, he admitted, with some misgivings as to the risk which we ran in this proposal, after the distraction and disunion which had prevailed in these provinces. Now, having said so much on the measure itself, he wished to state his objections to some of the clauses, which had nothing whatever to do with the object of the bill, and started entirely separate considerations. So far as the bill went to restore constitutional institutions to the Canadas, he entirely approved of it. He did not find, however, in all the papers which were presented to the House, any expression of opinion from any portion of the inhabitants of either province, or from any person in this country connected with Canada (whose views he had taken some trouble to ascertain), to the effect, that they wished the executive authority in that country should have delegated to it the power of creating new institutions unknown to the country, and which institutions, according to the form proposed in this bill, would never accomplish the objects intended by its framers. He had no objections certainly to local rural administrations. This was a form of institution which prevailed in England in all times, in the shape of tithing, parish, and hundred. It was transferred to our colonies and to the United States, and the whole administration of their rural affairs were conducted under such a system. He thought the only ground for recommending a change in the present local Government, was a short paragraph to be found in page thirty-three of the correspondence on Canada, in which Mr. Thomson broaches this proposal. Now, it struck him, that as they were going to establish a new government in Canada, that was quite enough for the people to undertake, without adding new municipal institutions, constituted by charter from the Crown, or appointed under the executive authorities of the Crown, by the provisions of this act. The paragraph to which he referred was to this effect,—

> "He ought not to omit in his report a reference to the present state of municipal institutions, and Captain Pringle would furnish the fullest information on this subject. He did not propose to interfere with the present townships of Upper Canada: but as in Lower Canada there were no such divisions as those made in the former, under an act of the local Legislature, he intended that municipal institutions should be there appointed."

Well, this was the only ground on which they were called on to provide these institutions; and as Mr. Thomson gave no further reason for them, we had no other authority to rely upon but Captain Pringle's report, on which he grounded his application to Parliament. Now, on turning to Captain Pringle's report, he found that the inhabitants of Upper Canada were able, whenever they thought proper, to apply to the local Legislature, which granted them the necessary power for constituting separate jurisdictions. What was the reason of the present proposal of an union? That the united Legislature might act on the same principles as those which governed the upper province. Mr. Thomson did not express a doubt that such would be the result, and if Mr. Thomson had, he should have a still greater difficulty than at present in acceding to the proposal for a junction of the two Legislatures. Well, then, nothing could be better than the institutions which the people had formed for themselves, and which accomplished all the objects which they desired under such a regulation. What was the use of disturbing a system which had worked with advantage and gave satisfaction? The truth was, that the Government had an object besides that which they avowed, and he should now tell the House what that was. It was said, that the present council had not sufficient power to tax the wild lands for the purpose of public improvements, and that this bill would authorise such a proceeding. Well, was it proposed seriously to have two conflicting Legislatures, and that the Executive Government should give some other institution than that of Parliament the power of taxing *ad libitum* the inhabitants of Canada? He could not conceive a more mischievous invention, or one better calculated for setting a whole country in confusion. Let not the House suppose that he was an enemy to the professed object of this scheme. It was assumed, that the Legislature could not be trusted, and that it was best to provide for local improvements through the parties immediately interested. But he begged any Gentleman who recollected the old Irish grand jury system to bear in mind what scenes of jobbing, might be devised under the guise of improvements. But, so far from having the least objection to the formation of local institutions for the government of parochial or district affairs, he entirely approved of that principle of government. And as to taxing the wild lands, his only regret was, that that subject had not been taken up by the Government and recommended strongly to the local Legislature. He found by his evidence in 1828 that he represented the manner in which those lands had been disposed of as one of the greatest practical evils of which the Canadians had to complain, inasmuch as they had been inconsiderately bestowed in large masses, without affixing the proper conditions to the tenure, or making them liable to taxation. The consequence was, that this vast property lay idle, to the great detriment of the public. That was the opinion which he then gave, and he illustrated it by a reference to the practice in the State of New York, where he himself paid heavy taxes for local improvements. And here he could not help noticing an assertion of Captain Pringle, as to the taxation being levied under a local authority in that state. No such thing was done. If a new road was required there, the Legislature determined upon the proposal, and employed the authorities of the district merely to levy the cost of it on the proprietors of land; a course similar to that pursued in this country. We might make as many new institutions as we pleased; we might call them municipal, or designate them in any other way we chose, but we could not get a better machinery than that which Englishmen had always been accustomed to, and which if we left them to themselves they would always be found willing to keep in motion. The most amusing part of these matters was the particular report laid before the House for the purpose of justifying the intended regulations. It illustrated very strongly what the right hon. Baronet (Sir Robert Peel) stated, that gentlemen now went to Canada for six weeks, believing what strangers at both sides told them, but without sufficient knowledge of the circumstances of the country to enable them to give us information on which we could rely. Captain Pringle was a gentleman of great intelligence, and who had done much service in various colonies, but he certainly seemed to go to Canada under the impression, that in six weeks he could write a report, from what he must have heard very loosely from other persons as to the measures to be adopted for its future government at the recommendation of Mr. Thomson. Of all the papers connected with Canada, he never read one so full of vague theories and idle speculations as this report. Here he must say, that he did not agree in the justness of the charge which had been brought against the present Governor, of having used undue means to obtain an acquiescence in his proposal of a union, because there was a great deal which a person so situated must do, and ought to do, for the execution of the purposes which he believed right; and he felt bound to acknowledge, that in the whole course of his experience no one had executed the duties of his office with more intelligence, tact, and ability, than Mr. Thomson. He only regretted, that, having obtained the sanction of the Legislature in Upper Canada, and of the Council in Lower Canada, to his plan for a union, he had not likewise submitted to the same tribunal the suggestions of Captain Pringle as to the formation of Municipal Councils. If Mr. Thomson had gone to these bodies and said, " This is a very important measure, which I intend to recommend to the Government at home, and being satisfied that it is a measure of the utmost importance to your interests, I wish you to look into the grounds on which it is intended to support it. If you have anything to object to in it, state your views, or if you wish to add to it, say in what manner." If Mr. Thomson had taken this course, he would have saved the House the trouble of listening to his remarks, because he defied him to show that paper to any one who understood the local affairs of Canada, without his at once declaring that it would be impossible to found any legislation on it. The object of establishing those councils was two-fold, first, to raise taxes from the land, or force the proprietors to give it up, and through that means make certain improvements which would induce emigrants to settle there. Captain Pringle says, that from the inquiries he made, he was led to the conclusion, that to make roads through the wild lands it would be necessary to subject them to a tax of three pence currency per acre. Now, when he told the House that this would amount to an actual confiscation of the whole land of Canada, it ought to make them cautious how they proceeded on such evidence. But if they were not satisfied with his authority, which he pledged for the accuracy of the statement, they might take Captain Pringle's. Captain Pringle said, that the Assembly of Upper Canada passed a law for taxing the waste lands, and imposed on them one-eighth per cent. per acre. Now let the House consider the consequences of that tax. The result was, that the parties holding the lands felt this imposition to be so onerous, that they resolved to allow their lands to be confiscated, and they were sold at a sheriff's sale, where they were purchased by jobbers. He would stop for a moment to observe, that the gentlemen charged with land jobbery, were some of the most useful in Canada. To expect that a pauper from this country could start immediately into a proprietor was a vain delusion. It was true, he might raise himself to that position somewhat sooner than if he were at home, but he would have to acquire a little means to do so; and if he had not a "land jobber" to build a church, a school, and make a road for him, he had better stop at home, in the greatest misery in which he could be placed. There must be a capitalist between the labourer and the farmer; and these land-jobbers, who were accused of buying land cheap, and selling it dear, were the very men that every new country ought to covet. But to return to Captain Pringle's statement. He complained that the land jobbers purchased the whole fee-simple of the land sold, from the effects he had described, at five pence an acre. Captain Pringle calculated that 100,000*l.* would be raised in Upper Canada, under his plan for public improvements. He very much doubted whether the whole land of the province would fetch that sum. So that the state of Canada would be this, that you would not leave to the Legislature the local management of parochial affairs, but vest in the Governor the power of constituting municipal institutions, with the open and direct intention of confiscating the property of every district in Canada. He hoped he should hear some other reasons for granting that power. There was another, and a very serious question, which arose on this bill, namely, how far it was wise, after all the difficulties of the colony, to set up conflicting authorities. He did not see to what extent the power of the Governor went. Did they intend that one set of councils should be formed by the local Legislature and another under this bill; that one parish should impose a tax of one penny on the land, and the next three pence? They might judge of the difficulties which surrounded any tampering with the existing system, when he stated, that in the council of the district below the three rivers near Quebec, there was not a single man who could read or write. Now, as to the efficacy of the existing system, he appealed to the right hon. Member for Tynemouth (Sir C. Grey), whether there were not as good roads in Canada as in the States. But these roads were kept in repair under stringent regulations, which were necessary until the people acquired a good deal of political education. Do not let him be understood as contending against the principle of introducing these institutions by degrees and cautiously into Canada; but why constitute a Legislature on the principle of giving the predominance to English feelings and habits, and yet not trust it with the superintendence of local management? He admitted, that the confusion was very great which existed with respect to the tenure of lands; but he was convinced that the evil would not be remedied by the appointment of district councils in the manner proposed by this bill. In conclusion he would express a hope that nothing would induce his right hon. Friend, the present Governor-general of Canada, to leave the country until the measure under consideration was carried into full and complete effect. It was of the utmost importance to the prosperity and well-being of the Canadian provinces that there should not continue to be so frequent a change of governors as unhappily had taken place of late. This was the more especially unfortunate when the machinery of an act involving so great a change was about to be set in motion. He had thus briefly stated his objections to those clauses of the bill which he thought were not well advised. It was not his intention to make any motion upon the subject. He would rather follow the example which had been set by the right hon. Baronet (Sir Robert Peel) opposite, of making suggestions to the Government; but if it were rendered necessary, he should be perfectly ready to move such amendments as would embody and carry out the views which he entertained in opposition to those of his noble Friend (Lord J. Russell). He could not help feeling that upon this Canadian question he had not always done his duty. He believed that if his advice had been followed during the last five years the situation of the Canadas would have been widely different from what it was now. Not pressing that advice, he had sacrificed a great deal to party and personal feeling. If, however, the necessity should arise, he should be perfectly ready, upon his responsibility, to take the sense of the House against the clauses to which he had stated his objections. He trusted that the House would feel with him that he had acted on no light grounds. He had only one more word to add. A fear had been expressed that under the operation of the measure now proposed, religious animosities would enter into the future government of the Canadas. He felt strongly convinced that that would not be the case. He thought that any one who looked to the history of the rebellion in those provinces—any one who looked to what was passing in the adjoining States of the North American union, would at once dismiss from his mind any fear of the re-ascendancy of any one religion over another in the Canadas, and more especially of that religion which seemed to be so much feared. Of the priesthood of that religion he must say that there did not exist in any country a body of ecclesiastics so little capable of perverting the influences of religion to party and political purposes, as the Roman Catholic clergy of the Canadian provinces. If their advice had been followed the Canadians would at this moment have been a happy and contented race; and he was satisfied that the House and the country might rely upon the continuation of such a course of conduct on their part, as would completely remove all the apprehensions which appeared to prevail in some quarters on the subject. In taking leave of the measure, he ventured to express a doubt as to certain dangers that might be attendant upon it, but a stronger hope that it might lead to a restoration of peace and quiet, and the establishment of a free and permanent constitution.

Lord *Stanley*, not having had an opportunity of expressing his opinion upon this subject in any of the previous stages of the bill, hoped to obtain the indulgence of the House whilst he very briefly stated them now. He fully concurred in all that had fallen from his right hon. Friend, the Member for Tamworth, and in much that he had just heard with very sincere satisfaction proceeding from one so experienced in Canadian affairs, as his right hon. Friend who last addressed the House. He was not insensible to the hazard and danger which accompanied any step which this country might take upon a subject so involved and complicated as the affairs of Canada; but he was satisfied that if the danger of moving in the matter were great, the hazard of doing nothing, of allowing matters to arrange themselves, or of permitting them to remain as they were at present, was not, properly speaking, a hazard, but an absolute certainty of involving the British interest in Canada in the most serious disaster, if not in utter ruin. He trusted that the measure now proposed would not only obtain the concurrence of a considerable majority of that House, but earnestly hoped that his hon. Friend, the Member for Caithness (Sir George Sinclair), who led the opposition to the bill in its present stage, would not give the House the trouble of dividing upon the question, nor incur the mischief of conveying to the people of Canada an idea that there was a material difference of opinion in the British House of Commons upon the measure now before it. The hon. Member for Caithness said, that there were very valid and sound reasons in 1791 for the separation of the two great Canadian provinces; and that the same reasons which then rendered the separation advisable rendered their re-union unadvisable at present. It was very difficult for us at the present time to place ourselves precisely in the situation of persons who acted under circumstances so widely different as those which obtained in 1791. But admitting, for the sake of argument that, the measure of 1791 was as wise as his hon. Friend deemed it to be—a matter which, with all respect for his hon. Friend, he held to be extremely doubtful—still he could not agree that circumstances remained now as they were then, nor admit that there was anything in the changed position of the provinces that afforded a valid argument against the project for re-uniting them. Even if it had been possible in 1791, or in the years that had subsequently elapsed, to carry into full effect the plan that seemed to have been contemplated—of separating and distinguishing the two races in the Canadas—of leaving the French Canadian population in the enjoyment of their own laws and customs in the lower province, and establishing in the upper province a British population, not mixing with or rivalling the French, but enjoying British institutions and pursuing British interests, in a portion of the country devoted exclusively to themselves—he should say that, considered physically and geographically, the arrangement was one that would be likely to lead to serious difficulties and much embarrassment to both provinces. The very fact of the great river St. Lawrence being the common medium of communication between both provinces and the mother country—being absolutely essential to the commercial prosperity and political importance of the upper province, but wholly useless to it unless a free navigation of its stream were cordially concurred in by the lower province—that very fact was in itself sufficient, in his opinion, to throw infinite doubt upon the wisdom and propriety, as a permanent arrangement, of separating the two provinces, and giving to them separate interests and separate legislatures. But the moment that it became evidently impossible that the lower province could continue to be a purely French province—the moment that a British population began to spring up in that province, inferior in point of numbers, but infinitely superior in intelligence, and in activity and enterprise to the ancient *habitans*—from that moment it was certain that in the restricted sphere of the lower province we were introducing, upon a limited scale, those very dissensions and divisions which by the separation of the two provinces it was the object of the legislators of 1791 to avoid. From that very time it became evident that, sooner or later, the superior intelligence, activity, and capital of the British population, properly guarded and supported by the mother country, must obtain an ascendancy above the French. The moment that that state of things arose, it was impossible not to turn one's eyes to the time when it would be adviseable that the step of 1791 should be retraced, and the re-union of the two provinces effected. Although he could boast of but very little personal acquaintance with these colonies, yet from the first moment he had any knowledge of them his mind bent forward to the period when their re-union would be necessary. But at the same time that he was always sensible of the danger and hazard of a premature or too precipitate step towards that end on the one hand, and the equal danger and hazard of a too long delay on the other, he was not less sensible that the proposition for the re-union, whenever it was made, would not be unattended with considerable difficulty. But what was the state of things in which we were now legislating? Was it possible that the existing state of things could continue? Had any feasible project been submitted to the House or to the country in opposition, or as a counter project to the measures proposed by the Government? Even if that had been the case—even if the difference of advantage or disadvantage between any two competing plans were more precisely balanced than was the case in any projects he had yet heard—he should still hesitate, should still feel extreme reluctance and unwillingness to take from the Government the responsibility of introducing and carrying through the Imperial Parliament the measures necessary to be adopted upon a matter of so much importance. Circumstances of this kind were not to be dealt with by individual Members. Indeed it was a fearful risk for any Member in opposition to the Government to take upon himself the responsibility of advising the step which should be taken in matters of such importance. For that reason, even if his opinion upon the subject were more nicely balanced than it was, he should say that the fact of the measure being submitted upon the authority of the responsible advisers of the Crown would go a long way with him in inducing him to waive any abstract feeling that he might entertain in favour of other plans, and to shrink from the fearful responsibility of seeking to defeat that which the Government declared to be practicable, without the absolute certainty of being able to introduce and to carry, in the whole of its details, a measure at least equally beneficial and advantageous to the colonies and to the mother country. His hon. Friend, the Member for the University of Oxford, (Sir R. Inglis) had certainly put forward a proposition in the course of the discussion that evening, which he believed had not been advanced by any preceding speaker. His hon. Friend said, that it was not merely a question between leaving a despotic Government in Lower Canada, and the union of the two provinces under a liberal form of government, but that another course was open to the adoption of the Legislature, namely, to leave the constitution of Upper Canada precisely on the footing on which it now stood, and to grant to Lower Canada such a separate constitution as the peculiar circumstances of that province should seem to require. But what was the constitution to be? His hon. Friend said, that he would give to the lower province a form of government which should not be despotic, and yet not representative. Had his hon. Friend considered in every degree the details of a measure which should at once maintain the authority of the Crown in the present state of the lower province—which should remove the stigma of a despotic Government in that province, and yet at the same time maintain that security for the British population which he knew it was his hon. Friend's desire to maintain? How was this intermediate constitution to be framed? How long did his hon. Friend think that the French Canadians would be satisfied with such a constitution? How long would they remain contented with a mere restricted form of government than the upper province? If the Legislature were to overlook, as he was not disposed to do, the feelings and interests of the French Canadians, how long did his hon. Friend suppose, that the British population in the lower province would continue contented with a form of government less free than that of the upper province? He was not upon the present occasion disposed to enter into the details of the plan proposed by her Majesty's Ministers. He hoped, however, to hear from his noble Friend, the Secretary for the Colonies, some satisfactory explanation upon the point that was raised by the right hon. Baronet, the Member for Tamworth, with regard to the security of the civil list provided for her Majesty in the Canadas, and the protection to be afforded to the consolidated fund against the accumulation of future debt. Upon that point, he thought, that the case was even stronger than had been stated by his right hon. Friend; and if he were not mistaken in his interpretation of the 50th clause, he would appeal to the noble Lord, whether, after the third reading of the bill had been acquiesced in, it would not be better to postpone the question, "that it do pass" for a few days, with the view of taking into calm and deliberate consideration the suggestions which had been thrown out on that (the Opposition) side of the House. For the permanent protection of British interests in the colonies, he apprehended that nothing was more desirable than to keep up a constant stream of emigration towards them from the mother country. He admitted that a great improvement in that respect had taken place since the period when he was connected with the Colonial-office. He approved of the system which obtained in the South Australian provinces, of devoting the proceeds of the sale of lands to the purposes of immigration into the colonies, under the superintendence of the governor. Under such a system, a mutual benefit was conferred upon the mother country, and upon the colony. But it was right that it should be distinctly understood, that any encouragement to immigration into the Canadas, derivable from the proceeds of the sale of Crown lands in those provinces, must be placed entirely out of view. The right of the Government to make provision for the settlement of British emigrants out of the Crown lands in Canada, was at once and for ever surrendered by this bill. He was not quite certain whether the Government intended to keep in their own hands the management of the lands of the Crown. He presumed that they meant to do so; but upon that point he hoped to have a distinct assurance from his noble Friend. He hoped to hear that the management of the Crown lands would continue in the hands of the Crown; and that it was not the Crown lands themselves, but the revenue arising from them, that it was proposed to transfer to the House of Assembly. It was necessary that the nature of the bargain should be distinctly understood. His noble Friend, he was sure, would not omit to notice the other point referred to by the right hon. Member for Tamworth, namely, that it was of great importance to recollect that, in all proceedings connected with land in the Canadas, we were not dealing with a matter that was, in any respect, analogous to the British constitution. With regard to the points which had been touched upon by his right hon. Friend (Mr. Edward Ellice) he could only say, from his very limited knowledge upon the subject, that he was disposed entirely to concur with him in the extreme impropriety of inserting into this bill the provisions that at present formed part of it, for the establishment of district councils. In a country so widely extended as the united Canadian provinces would be, it would, no doubt, be necessary to introduce a system of subordinate local administration; but it appeared that such a system already existed—was in every respect adequate to the present wants of the country, and capable of being extended as those wants increased. Where then, was the policy of attempting, in the face of this fact, to force upon the colony a system which they did not want—a system towards which they entertained a strong dislike—a system which had already been tried, and which the colonists had earnestly petitioned to have repealed. It was obvious that, upon matters such as this, the colonists would be able to legislate better for themselves, than it would be possible for the Imperial Parliament, with the best intentions, to legislate for them. Sensible of the necessity of reuniting the two provinces—

sensible of the hazard and danger of allowing another Session to pass by without taking some step to provide for the government of that important portion of our empire, and sensible of the responsibility which those persons would take upon themselves who ventured to reject the provisions proposed by the Government, he should feel it his duty, although he did not approve of every part of the bill, to vote in favour of the motion for the third reading.

Mr. *Edward Ellice* entirely concurred in every word that had fallen from the noble Lord, with respect to the district administration. All that he contended for was, that the provincial Legislature would be the best judge as to the power that should be vested in the district courts, as well as for the purposes for which they should be established.

Viscount *Howick* said, it did not appear to him that the explanation of his right hon. Friend was quite consistent with some of the arguments which he had used in the first instance, because, if he was not mistaken, he had heard complaints from his right hon. Friend, of the great inconsistency in giving a power of taxation to the district council, and to the Legislature. He was quite sure that his hon. Friend would admit having used this as an argument, that the power granted to these bodies would infallibly clash. From that opinion, however, he entirely dissented. It appeared to him, that the clauses which it was proposed to omit were essential to the measure before the House. He did not give this as his own opinion merely, but as that of persons of much higher authority, that there was nothing so essential to free Government as a proper division of the authorities which exercised independent functions. Unless they created something of this sort, it was impossible that the united Legislature could work, for he did not disguise from himself the great practical difficulty of carrying on the government of so extensive a district by one single Legislature, and nothing but the impossibility of preserving the present state of affairs would have conciliated him to the union of the two provinces. But he thought it was absolutely impossible that the affairs of that country could be carried on if they did not allow the establishment of representative bodies in the minor districts, elected by the inhabitants, for the management of their own local affairs; and such a power was the more necessary to be granted, since there was a clause in the present bill which required that every grant of public money should be first sanctioned by a responsible officer of the Government. In this country, parochial taxation was totally distinct from general taxation. In the United States, they knew that there were three or four different budgets, which were proceeded with independent of each other. He was convinced that the same system was absolutely necessary in Canada; and when his right hon. Friend asked the House why they thought it necessary to create institutions of this kind in Upper Canada, his anwer was, that the provisions of the present bill did not go to create, but to extend and improve them, so that these local authorities might be some check to the central authority. He deprecated leaving this matter to be hereafter regulated by the united Assembly, more especially with regard to Lower Canada, where such bodies would come into operation almost simultaneously with that form of government which they now proposed to give them. He would remark, that the clause in the bill did not distinctly propose a power of taxing wild lands, but he thought the local bodies ought to possess the power of imposing such rates as they thought proper and necessary, in the localities which they represented. This appeared to him to be most just, and he thought it possible that his right hon. Friend, who, it was well known, owned large tracts of land in that country, had allowed himself to be biassed in the views he had taken on this branch of the subject. In the other observations of his right hon. Friend he entirely concurred. He believed that the cry raised against the land-jobbers was unjust. Within certain bounds it was highly desirable that their capital should be invested in land, but there were also many abuses in the mode of granting it, for often the land was left unimproved for a long series of years, and extensive tracts in such a state was a grievous burden to the industrious settler. Holding these views, he could not help expressing his anxiety that the clauses should not be omitted from the present bill. If any amendment could be suggested, he would be glad to concur in it; but the omission of the clauses altogether would be to make a measure which had passed all its stages in so satisfactory a manner imperfect in its most important point.

Mr. *Pakington* felt deeply sensible how important a measure this was, both as regarded Canada and Great Britain; yet he must protest against it as one fraught with danger. He hoped that he did not deviate from that unanimity of feeling which had characterized the progress of this bill when he so protested, yet he felt it due to himself to declare that he had heard nothing up to that moment to remove the alarm which he felt. His apprehensions arose from his belief that there would be great danger in attempting to govern so extensive a district by one Legislative Assembly, and that the union of the two provinces would be productive of the greatest dissensions between the two parties. The noble Lord (Howick) had admitted that the great extent of Canada formed a serious objection to its government by one Legislative Assembly and one Executive Council. The right hon. Member for Tamworth and the hon. Member for Liskeard had also admitted that the subject was fraught with great danger; but there was another source of apprehension which nobody had adverted to except the right hon. Member for Tamworth, and that was, whether the Government of that country, by a Legislative Assembly constituted according to the bill before the House, would be able to secure a sufficient majority to work out their plans. Was it certain that they would have any majority at all? Looking to the large proportion of the disaffected in the upper province, and the overwhelming majority of the French population in Lower Canada, he very much doubted whether they would have a sufficient majority to keep up the connexion between Great Britain and Canada. The two most important features in the bill were the constitution of the House of Assembly and the district councils, yet both of these had been condemned by the right hon. Gentleman opposite. He thought that, under these circumstances, he was fully borne out in protesting against the bill; yet he would admit that, if the constituted authorities in the upper province were of opinion that the measure was essential to the welfare of Canada, the House could not have a better or a stronger argument for the measure. He, however, looked beyond the present session of the Assembly in Upper Canada, which had commenced its political existence by condemning the union, and had not agreed to it this session, without affixing conditions to its assent, several of which had not been attended to by the Government of this country. He doubted, therefore, when the Assembly found that their conditions were disregarded, especially that one which went to fix the seat of government within their own province, whether they would regard the measure with satisfaction. He thought there was a better mode of settling the question than by the union of the two provinces, and that was by the annexation of the city of Montreal to the upper province. This plan was approved of so far back as 1828 by Sir Wilmot Horton, and it was only the other day that he had conversed with an intelligent gentleman who had recently arrived from Canada, who informed him that his plan, which was also one of the alternatives proposed by Chief Justice Robinson, met with the strongest approbation from the British inhabitants of the province. From what had occurred, however, he foresaw that the present bill would pass, and he only hoped that his predictions would turn out to be false.

Lord *John Russell* acknowledged that whatever difficulties might attend the after government of the Canadas, they certainly would not arise from any party feeling manifested in the discussion of this bill, and that whatever success might accompany the measure, that success was rendered far more probable after the calm and dispassionate mode in which its provisions had that night been discussed. With regard to the general measure, and to the principle of the union, he believed that he had always stated, as the right hon. Baronet the Member for Tamworth had that evening stated, and as the hon. Member for Droitwich had admitted, that it was rather from a comparison of the difficulties and dangers attending on other courses, and not from any abstract principle, that he was led to prefer this measure for the union of the two provinces. He had considered carefully every proposition that had been made. He would not say that he had gone through the eight alternatives of Chief Justice Robinson, but he had considered the principal one in order to see whether it could be adopted, but the result of his examination only convinced him that there was no course which was not attended with greater difficulties than the one they had now taken—no measure less liable to objection than the bill before the House. Although there might be many objections to it, yet, on the whole, he thought it had greater prospect of success—was more likely to secure the welfare of the people of Canada, and contribute to uphold the connexion between that colony and England than any other measure which Government could propose. More than this: it was admitted by all that it was a question of very great difficulty—a question encompassed with eternal discussions—with agitation, leading to civil war—with the prospect of foreign invasion—with animosities between different races, and all the evils which accompany these calamities. Hence it was, that though this measure might be one not unattended with danger, yet it was the best which could be introduced on the subject. With respect to the various parts of the bill, he would shortly state what he thought. With regard to the objection stated by the noble Lord, the Member for North Lancashire, to the civil list, that the annual interest on the public debt would be a charge upon the consolidated revenue, it might be said in answer to that objection, that the Government had it in their power to refuse their consent to any act which went to increase that debt. It had been said that, although the consolidated revenue was to have the whole fund which was now the Crown revenue, yet on the expiration of the civil list that revenue would revert without being charged with any portion of the debt. He must confess, too, that the force of the objection was not much lessened by saying that the Crown might refuse its assent, for this might be a most injurious act, and he wished, therefore, to take a few days to consider a point which he thought of very considerable importance, but which did not strike him before the right hon. Gentleman had stated it. The noble Lord, the Member for North Lancashire, had asked whether the management of the Crown lands would be vested in the Crown. He conceived that the management would remain with the Crown. There was no provision in the bill which took away the management from the officers of the Crown, and the proceeds of the Crown revenue would still remain in their care. He did not think that any great loss would arise to the Crown from the sale of lands, for although a part of the lands might be sold, other parts would become more valuable, and in this way the revenue would be increased. He did not think, therefore, that the revenue would be much affected by the sale of the Crown lands. A further objection stated was, that the Assembly might be disposed to sanction a very speedy and indiscriminate sale of the Crown lands; but he thought there would exist a sufficient control in the hands of the Crown, and the officers appointed by the Crown, to resist any such extravagant and improvident an event. He came now to the objections stated by his right hon. Friend the Member for Coventry with respect to those parts of the bill which affected the municipal councils. In the first place, he thought he could satisfy his right hon. Friend's mind upon two points, which appeared to him to be rather more specious than real objections to this measure. One of those points was, that the word "municipal" had occurred somewhere or other; and the other point was, that the measure was all founded upon Captain Pringle's report. Now, in the first place, in this bill the word "municipal" is not once mentioned; his right hon. Friend need not, therefore, be so very much alarmed upon that point. Next, with regard to Captain Pringle, it was true that that Gentleman had made a report upon the subject, but his right hon. Friend was doing Captain Pringle a great deal of honour by attending more to that report than to the other papers that had been presented on the same subject. Although there might be some errors in Captain Pringle's report, and although it might be true that Captain Pringle had not been long in Canada before he made his report, yet he could not conceive that that was any more reason against adopting any suggestion made by that gentleman, which was in itself good, than it would have been a good reason against reforming the prisons in the West Indies, because the report which Captain Pringle made on that subject was founded on inquiries, which were the result of a very short visit to the West Indies. But with respect to the authorities and despatches coming from official persons, and to the authority of the provincial councils, which authorities formed the foundation of those particular clauses of the bill to which objection was made, he thought attention had not been sufficiently given to them by his right hon. Friend, who appeared to have devoted himself so much to the report of Captain Pringle, that he had not had time to give due weight to the recommendations of those authorities. When referring to the recommendation contained in page 33 of Governor Thomson's despatch, his right hon. Friend did not refer to page 31, in which a reason was given—and he thought a very strong reason—for introducing some measure of this kind. He must observe that he was as desirous as his right hon. Friend that the local Legislature should not have the power of making grants of money without the recommendation of the Crown; and Governor Thomson, after stating that one of the most important provisions of the plan suggested last Session, and on which the Earl of Durham laid the greatest stress, was that of restricting the money votes of the House of Assembly to the purposes of the general government, which would put an end to the gross system that had been practiced in applying the public money to local purposes, proceeded to recommend that some machinery should be provided by which a system of local taxation might be established for purely local purposes. His right hon. Friend (Mr. Ellice) had also said, and the statement had been quoted from the pamphlet of Chief Justice Robinson, that nobody in Canada was ever heard to express a desire for these local councils, for the purpose of local taxation. But Governor Thomson distinctly stated that he found a most anxious desire among the people of Canada to have local councils established, to raise local taxation, believing as they did that it would be likely to conduce, in the highest degree, to their welfare and prosperity. Governor Thomson, who was a person of considerable experience, and possessed great knowledge of business in matters of this nature, stated that the very first thing he did, and which it was his duty to do, and which he performed with great activity, was to send to all persons in Canada who were likely to give him valuable information, and to consult with persons of various political views and parties, and to ascertain what their opinions were, and he then told the Government at home that, after having done so, he found there prevailed a very strong desire for the establishment of district councils, to raise local taxes for local purposes. Governor Thomson might be mistaken; it might he his fancy only, and the fact might be that no person in the country was ever heard to speak of it, or known to think of it. That was certainly a most improbable supposition; but for a moment he would suppose it to to be true; and he would then ask what said the Commons in the provincial Parliament assembled in Lower Canada? They had presented an address to her Majesty the Queen, in which they said—

> "We have no desire to interfere unnecessarily with questions of detail, but we cannot omit respectfully soliciting your Majesty's attention to the introduction of a system of municipal government in Lower Canada, in order to establish a system of local taxation upon the same principle as is established in Upper Canada." [*"Hear, hear."*]

Well! but what then became of all that his right hon. Friend said about conflicting principles? What then became of all he had stated with regard to these local bodies having a power of local taxation being a conflicting power with the Legislature of the united provinces? because, although his right hon. Friend afterwards said that he did not object to local taxation by local bodies, yet a great part of his argument was founded upon the fact that these local bodies were to impose taxation upon the Crown lands. It appeared, then, from the Governor's statement that the people of the Lower Province were desirous to have these local bodies established upon the same principle which prevailed in the Upper Province. The House of Assembly of the Lower Province also recommended the Crown to introduce that system. His right hon. Friend was correct in saying that they were not about to introduce exactly the system prevailing in the Upper Province, because there was some difference between that and the system recommended to be adopted; but he believed the chief difference consisted in the amount of power of taxation rather than in the nature of the councils to be established. The elective councils in Upper Canada raised local taxation for local purposes—for building the sessions-house, for conducting trials, and so on. Now, it was proposed that the district councils, which would also be elective councils, both in Lower and Upper Canada, should be established for very similar purposes to those now existing in Upper Canada. Therefore, the objection of his right hon. Friend did not so much go to the entire rejection of these clauses, as to their not being in all respects adapted to the system now prevailing in Upper Canada. It might be argued that this system might be introduced by the local Legislature of the united provinces. Upon that point he admitted he thought there was considerable doubt. He should have been disposed to say, as a general question, before he had heard the opinions of those authorities in Canada, to which he had referred, that it would have been better to have left it to the general Legislature of the united provinces to introduce these municipal or district councils for the purposes of local taxation; but he had now, on the other hand, the opinion of Governor Thomson, and also the opinion of Chief Justice Stewart—who framed a number of clauses in detail, but which he (Lord John Russell) did not think proper to submit to the House because they went into more detail than was necessary—and he had also the opinion of the House of Assembly of Lower Canada, especially recommending the subject to the notice of the Imperial Legislature. However, he admitted that nothing ought to be introduced into this bill which was likely to be effected, and better effected, by the Legislature of the united provinces. If it were the opinion of the House that there were no objections, either from jealousy of race or from local circumstances, which would prevent the Legislature of the united provinces undertaking this subject--if it were the opinion of the House that the subject could be more safely left to the local Legislature, then certainly it would not be necessary for them to keep such clauses in the bill. He owned that his opinion was, when he introduced the clauses, and he still was of opinion, that the clauses had better be in the bill; nevertheless he would say with respect to this part of the bill, as he had said with regard to the civil list, that upon that point he should wish, after hearing so fair and so calm an opinion expressed by his right hon. Friend on the subject, to have some short time allowed him to consider the matter more maturely. If he should think, as the Governor had stated, that these clauses were necessary, he would fairly state that opinion to the House, and put it to the House to decide the question; but if, on further consideration, he should come to a contrary conclusion, he should have no hesitation in avowing his concurrence with the proposition of his right hon. Friend, who would at least admit that it was not without some authority and some grounds that the Government had proposed this measure. Now with regard to the great weight given by the hon. Gentleman who spoke last to the opinions of Chief Justice Robinson, he must confess, that although he thought no opinions could be stated with more acuteness, or argument be more ably put, than by that Gentleman, whose talents were universally acknowledged, yet, with regard to his general principles and views of governing in Canada, he owned that he must declare his entire dissent from them. With regard to the subject of a Church Establishment, Chief Justice Robinson had stated, no doubt, the views of the political party to which he (Lord John Russell) and his friends belonged, and of which that Gentleman was for a long time a very leading Member; yet they were not of a sort to be carried into effect in any part of Canada. He thought it was Chief Justice Robinson who had expressed the opinion —at least he was quite sure he had seen the opinion stated by others—that if, when founding our colonies in North America, which were now become the United States of America, we had carried out among the Puritans in the times of James 1st and Charles 1st a regular Church Establishment, founded and based upon the principles of the mother Church in England, that those colonies would still have remained faithful and loyal to the mother country, and that there would not have been any separation between those two parts of the British empire. Now he (Lord John Russell), thought that an opinion more unsound never was asserted. He conceived that if ever they had attempted anything of the kind — if, in the reign of Charles 2nd, they had not been contented with restoring the Church of England in this country—if they had not been contented with the very cruel and barbarous attempt to establish the Church of England in Scotland—if, besides all this, an attempt had been made to force the Church of England upon the state of New England, and the various other provinces now forming the United States, his opinion was, instead of preventing a separation, that that separation would have taken place a century earlier than it did. He was fully convinced, whatever their opinions might be with respect to a Church Establishment in general, that the opinions which now prevailed in North America were too much rooted, and had too general an assent, as well from the members of the Church of England as from all the sects of Christians there, to admit the possibility of its introduction, and that it would be utterly and especially insane to desire to establish a predominant Church in that country. He could not, therefore, while he admitted the talents of Chief Justice Robinson, give the same weight to his authority as other hon. Gentlemen gave. There was one other observation which fell from the right hon. Gentleman, the Member for Tamworth, affecting this bill, of which he had always felt the force and effect, namely, that in making this renewed constitution for Canada—that in binding that country to us by a new legislative act—we contract a still further obligation, by all means, military and naval, to maintain the connexion between Canada and this country. He conceived with regard to any colony, that it was their duty to keep together and maintain together the various parts of this splendid empire. But with regard to men who at various times—at the end of the late war, and during the civil war which is now but just over—with regard to men who in those times have shown their fidelity to the British Crown, who have suffered in their persons, who have suffered in their property, and who have been exposed to continual alarm, plunder, and massacre, and who yet have maintained their fidelity unimpeached, and their loyalty unspotted; to desert them, and not to put forth the right arm of England in case any danger should threaten that connection, would be an act of the utmost baseness that any Minister of this country could be guilty of, and such an abandonment, and such a dereliction of duty, as he did not believe any House of Commons in this country would sanction.

Mr. *Charles Buller* did not mean to go into the merits of the bill, seeing the great unanimity which prevailed with respect to it as a general measure; but although he thought the noble Lord was right in giving to the objections of the right hon. Gentleman, the Member for Coventry, the fullest consideration, he hoped that no consideration would induce the noble Lord to abandon the clauses which related to local taxation. He feared, that the power proposed to be given of taxing wild lands would operate injuriously in reference to emigration, and he thought no power other than that of direct taxation should be placed in the hands of local bodies, because it would only tend to abuse. The establishment of local Assemblies for the administration of local affairs had been recommended by Lord Durham upon the best possible information, and the wisdom of such a recommendation must be apparent to all who were at all aware of the utter unfitness of a general Legislature for such purposes, and the malpractices and jobs to which such a system gave rise. He therefore wished that the clauses to which he referred would be embodied in this bill.

The *Speaker:* Does the hon. Baronet intend to divide the House?

Sir *George Sinclair* hoped he should not be considered disrespectful if he pressed the question to a division, as no division had yet taken place on the bill. The fear he entertained was, that it might finally lead to a separation of Canada from this country; but if the bill should pass into a law, his sincere wish was, that it should be effectually carried out.

The House divided on the question, that the bill be read a third time:—Ayes 156; Noes 6: Majority 150.

List of the AYES.

Acland, Sir T. D.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Bailey, J.
Bailey, J., jun.
Baldwin, C. B.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Beamish, F. B.
Bernal, R.
Bewes, T.
Bolling, W.
Bridgeman, H.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Buller, E.
Burr, H.
Busfeild, W.
Byng, G.
Calcraft, J. H.
Chalmers, P.
Chapman, A.
Chichester, J, P. B.
Clay, W.
Clive, E. B.
Collier, J,
Copeland, Alderman
Dalrymple, Sir A.
Davies, Colonel
Douglas, Sir C. E.
Dundas, C. W. D.
Dundas, Sir R.
Dundas, D.
East, J. B.
Ellice, Captain A.
Ellice, rt. hon. E.
Ellis, J.
Evans, G.
Evans, W.
Ewart, W.
Finch, F.
Fort, J.
Freemantle, Sir T.
French, F.
Gillon, W. D.
Gisborne, T.
Gladstone, W. E.
Godson, R.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, H.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Heathcote, J.
Hector, C. J.
Hepburn, Sir T. B.
Hillsborough, Earl of
Hinde, J. H.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, G. W.
Horsman, E.

Howard, P. H.
Howick, Viscount
Hurt, F.
Hutton, R.
Ingham, R.
Irving, J.
James, Sir W. C.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lennox, Lord G.
Lucas, E.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Macnamara, Major
Marshall, W.
Marsland, H.
Marsland, T.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
O'Brien, C.
O'Brien, W. S.
Orde, W.
Owen, Sir J.
Pechell, Captain
Peel rt. hon. Sir R.
Pendarves, E. W. W.
Phillpots, J.
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Pusey, P.
Rice, E. R.
Rolleston, L.
Round, C. G.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Scrope, G. P.
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, R. V.
Smyth, Sir G. H.
Somers, J. P.
Stanley, Lord
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Teignmouth, Lord
Thompson, Alderman
Thornley, T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, C.
Wood, B.
Wynn, rt. hon. C. W.
Wyse, T.
Yates, J. A.

TELLERS.

Parker, J.
O'Ferrall, M.

List of the NOES.

Darby, G.
Duffield, T.
Inglis, Sir R. H.
Mackenzie, T.
Plumptre, J. P.
Vere, Sir C. B.

TELLERS.

Sinclair, Sir G.
Pakington, J.

SUPPLY—SURVEYORS OF AUSTRALIA.] Report of the Committee of Supply brought up. On the vote respecting Australia being proposed,

Mr. *Goulburn* said he wished to call the attention of the House to a point which had been omitted. The House was aware of the great services rendered in Australia by Sir T. Mitchell, and the officers under his command, in exploring voluntarily large tracts of land in that country, thereby adding largely to the dominions of the Crown there, and opening a large and profitable field to British industry. On all former occasions, similar services had been most deservedly remunerated by Government, but here, neither the Surveyor-general, nor the gentlemen who accompanied him in a long, a toilsome, and dangerous exploratory expedition, had received any reward whatever. If, by the new rules laid down, it was impossible to bestow upon them grants of land in the districts they had discovered, some other mode of remunerating them should be had recourse to.

Mr. *French* observed, that the surveys in question had already cost very large sums. While surveys in America, conducted by able engineers, were effected at a cost of less than a farthing an acre, the surveys in Australia had cost one shilling and sixpence an acre.

Lord *J. Russell* said, there could be no doubt of the great merits of the gentlemen referred to, but not having considered the point suggested, he could not at present say anything as to giving them the remuneration proposed. As to grants of land, that system had led to such abuses, that it had been altogether abandoned, and he could not consent to make any exceptions to the rule which had been fixed in that respect.

Sir *T. Acland* thought, that these gentlemen had strong claims for remuneration. As to the rule respecting grants of land, the eminent services of these parties had been rendered to the country long before that rule was laid down, and it ought not, therefore, to apply tothem.

Mr. *Ward* certainly thought, that the gentlemen who had made these exploratory services, were entitled to a reward; but he considered that it would be altogether unadvisable to make any exception in their favour, of the rule which had been made as to grants of land. If they were remunerated, it should be by a money grant.

Vote agreed to.

SUPPLY—EDUCATION (IRELAND.)] On the vote for National Education in Ireland,

Mr. *Plumptre* said, he should divide the House against this grant. It was not a vote for national education in Ireland, for the system carried on under it was such that Protestants could not avail themselves of it.

Viscount *Morpeth* said, that at least some of the Protestants gave the system their sanction, for there were, at the present moment, no fewer than sixty-two applications before the board, from congregations connected with the Presbyterian body in Ireland. .

Lord *Teignmouth* said, that the original purposes of those who framed the system had been departed from, and the present state of the case was simply this—that while the system conferred no benefit whatever on members of the Established Church, the Roman Catholics, the Presbyterians, and other sectarians looked upon Government merely as treasury agents, bound to supply them with the means of carrying on an exclusive system of education, each according to its own particular views. Throughout the whole of Ireland it was not one combined system of education, but separate systems carried on in an exclusive manner in separate schools. He hoped, that before next year, the whole subject would undergo thorough investigation.

Mr. *H. Grattan* could state from experience that the system of education had succeeded in Ireland, although the noble Lord upon hearsay ventured to say that it had failed. The noble Lord knew nothing of the country, nor of those upon whom the burthen of education was thrown. It obliged him (Mr. H. Grattan) to be a schoolmaster, for he educated the children of the Duke of Buckingham in Ireland—he educated, too, the children of Mr. Lefroy, and he did not receive a shilling from either of those landlords for the children of their tenants. In the schools he referred to, the Protestant children were educated in their own tenets, and their parents continued to send them, notwithstanding the efforts that had been made to withdraw them. But then the noble Lord said, that the Board of Education was the mere treasury for Catholics. If they were a treasury all he could say was, that it was the most niggardly treasury that had ever existed. What was the result of the present system in Ireland? They had 2,000 schools, in which were educated 192,971 boys, and 63,000 females—making a total of 255,000 males and females educated in Ireland; and yet there was on an average allowed not more than 10*l.* for each school, and the landlords had to make up the difference to 30*l.*, he meant the landlords who took upon them the duties of schoolmasters. That was the liberality of which the noble Lord complained. When the noble Lord and other Gentlemen opposite interfered in Irish business, they ought at least to take the trouble of informing themselves of the matter about which they were going to talk. But, in fact, they knew nothing of the country, and they took their evidence from sources which were not always reckoned the most pure. On such evidence it was, that Gentlemen opposite wished to put down the present system, and to leave the children of the Irish poor, dependent upon something which was yet to be born—some illegitimate offspring not yet in existence—which was to be got between the county of Kent and the parish of Marylebone. He saw that the hon. Baronet was meditating a speech. [Sir *G. Sinclair*: No, no, I am not indeed.] The Protestant clergy in his county offered him some opposition, but he kept his temper, and they lost theirs, so that in the end he had the advantage. And he would continue to teach the Protestant children as well as the Roman Catholic. He believed that the education of those children would produce a revolution, and put down not only ignorance but party, and the party of Gentlemen opposite in particular. Children were instructed in the most important parts of political economy, but the whole Bible was certainly not given to them. [*Cheers.*] The noble Lord cheered. Would the noble Lord give the whole Bible to any of his sons or daughters to read? Did he read it himself? The Bible was never given to children to turn over and read as they liked. The great objection after all to this society was, that it was not a proselytising society. When the noble Lord the Member for North Lancashire was in the Ministry he supported the system—but he was not in his place now. The gallant Sergeant also was not in his place. Yes, he said the gallant Sergeant, because the hon. and learned Member for Bandon had been the champion of the proselytising society, and had fought all their battles. He was never more surprised at any statement—much as he was accustomed to surprise at statements from the other side—than when he heard it asserted that the national system had failed. What, did they call it a failure to educate 255,000 children on large and liberal principles at an expense to the Government of no more than 10*l.* He would not say, that he was peculiarly religious, and he hoped to steer through life with his 500 children without giving scandal either to Marylebone or Kent. If the noble Lord or the hon. Member would take the trouble of going to Ireland, they might visit the schools, and they would see that their fears were unfounded, and they would join him not in taxing the people of England, but in educating the unprotected sons and daughters of the poor peasantry of Ireland.

Sir *R. Bateson* was not of opinion that the system deserved the name of a system of national education. He maintained it was a failure in Ireland. The children of the Protestants did not attend the schools in the part of the country with which he was connected. The system carried on under the Kildare-place Society gave perfect satisfaction to that part of the country. He contended that no system of national education could be useful which was not based upon the Holy Scriptures. Mere literary education without the Scriptures, would do more harm than good to the peasantry of Ireland. He had seen the present system at work for some years in his part of the country, and certainly he was prepared to say, that it had not worked well. He had always expressed himself in opposition to this grant, as he thought, that the money might be more usefully employed; and he saw no reason to change the opinions he had many years ago expressed on this subject. He would not yield to any Member in a sincere desire to educate the people of Ireland. He only differed as to the mode of doing so.

Major *Cumming Bruce* said, the hon. Member for Meath seemed to be dissatisfied that the State did not allow more than 10*l.* a year to the Irish schoolmaster. But in his (Major C. Bruce's) country (Scotland) they had themselves to pay their schoolmasters. The noble Lord (Lord Morpeth) seemed to lay stress, on the adhesion of the Presbyterians of Ireland to this system, but he would remind the noble Lord, that the General Assembly of the Church of Scotland had strongly and almost unanimously expressed their condemnation of the system of national education in Ireland. The hon. Member for Meath had asked whether there was any instance of the Bible being used as a school book, but he might appeal to the experience of any Scotch Member, to say that the Bible was used as a school book in all the schools of that country. He would vote against the grant.

Mr. *Redington* remarked, that the hon. Gentleman who had last spoken was in that House in 1835, when the right hon. Baronet proposed a large grant for the support of the present system, which he now so much abused, and yet the hon. Member, with all his zeal, did not then oppose the grant.

Mr. *Sergeant Jackson* said, in rising to offer a few observations on this subject, he did not mean to say, that he would oppose the passing of this grant. He did not think it would be right, when a public establishment had entered into engagements on the faith of a grant from Parliament, to leave them without the means of fulfilling those engagements. He thought it right that the House should know the nature of this grant, and on the part of the Protestants, he felt bound to say, that this was a grant from which the Protestants of Ireland received no benefit. By the mode in which this grant was applied in Ireland, the whole body of the members of the Established Church were excluded from any benefit from it. It was customary to speak of the people of Ireland, as if the people of that country were all Roman Catholics; but it should be recollected, that there was also a large body of Presbyterians and Protestants in that country. He believed, that the Protestants of that country amounted to two millions. The Kildare-place Society had worked well, and in a report which had been made, the advantages of that society had been much underrated, and the number of schools that they had established in various parts of the country had been very much understated. He thought, that when the House was about to vote 60,000*l.* for national education in Ireland, they should know, that this did not succeed as a system of national education. Under the operation of this system, the only book that was excluded from the schools was the Bible. Could any Protestant give his adhesion to that system which excluded the Scriptures from the schools? No Protestant minister could submit to a system which excluded the Scriptures from the schools; nor was it to be supposed, that the Protestant laity could submit to such a system. The Protestants of Ireland venerated the Bible, and would not send their children to schools from which the Bible was excluded? Was that, he would ask, a national system from which the whole of the Protestants of Ireland were excluded? He had heard it boasted that the Synod of Ulster had given their adhesion to this system. No person could more respect that venerable body than he did. But it should be recollected, that the Presbyterian body of Ulster was part and parcel of the Church of Scotland. He had heard, that measures had been taken to conciliate the Synod of Ulster, but he (Mr. Sergeant Jackson) would venture to predict, that the Government would soon find, that the Synod of Ulster were dissatisfied with their system. The chief objection made by the Synod of Ulster was, that there were certain queries sent which were required to be answered, and the Synod thought, that this gave a control to the board to which the Synod would not submit. The Government stated, on the part of the board, that they would send no more queries. But he would ask the noble Lord whether those queries were not now sent to those who managed the schools, and they were required to answer those queries, before they were paid their salaries. He defied the noble Lord to maintain, that this system of education deserved to be called a national system of education. He denied, that this was anything deserving to be called a national system of education. There were only 1,017 Protestants of all denominations connected with these schools in three provinces in Ireland. In Munster, where there were 115,925 Protestants, only 146 of them were connected with these schools. In the county of Limerick, where there were eighteen schools, not a single Protestant attended them. In Leinster there were 183,609 Protestants, but only 598 attended the schools. In Connaught only 227 Protestants attended them. The Roman Catholic Archbishop of Tuam had openly stated, that he had banished the system from his province, and would not tolerate it, because it was anti-Catholic. He hoped that some means might be adopted which would enable the Protestants of Ireland to obtain some benefit, and be enabled to make education accessible to the humbler classes. He contended that this, which was called a national system, was, in reality, a separate system. He would not oppose this grant on the present occasion, but he hoped the objections to this system would obtain due consideration in a future Session.

Colonel *Rawdon* felt it his duty as representative of Armagh, to make a few remarks on the subject before the House. He had heard much of Protestantism, but very little of Christianity during the evening. The hon. and learned Member for Bandon had expressed a wish to see children grow up together and friendships formed, and in his (Colonel Rawdon's) opinion, that object could not be better promoted than by the present system of national education. That system he was determined to support, and he was encouraged in his determination by the fact of the Synod of Ulster having given in its adhesion to it. He looked forward to the day when, through the operation of that system, the youth of Ireland would be made to forget sectarian differences, and to live and learn in harmony together. The hon. and learned Member for Bandon had also alluded to the small number of Protestant children who attended the schools, but he should recollect the small proportion those children bore to those of the Roman Catholic persuasion, and also the means which had for a long time been taken by the Protestant landowners to keep the children of their tenants from the national schools. He should vote for the grant because he thought that the system for the support of which it was intended, was effecting great benefit for his country.

Mr. *Gisborne* said, that the House was placed in the singular position of discussing a question in the absence of the persons principally interested. Neither the right hon. Baronet, the Member for Tamworth, nor the noble Lord the Member for North Lancashire, thought it worth their while to be present at a discussion on the propriety of a grant which they themselves had originated. However, the learned Sergeant the Member for Bandon, had supplied their place, and had taken upon himself to explain their intentions. He (Mr. Gisborne) thought it would be peculiarly ungracious if Parliament, which, without hesitation, voted such large sums for colonial education, should refuse this small sum for Ireland. He should give his vote for the grant, because he thought it had fully answered the expectations of those who had originally supported it.

Mr. *Gladstone* thought it would be unfair to resist this vote on account of partial objections, which did not touch the real principle of it. He should support the grant, because, though there were valid objections to it in detail, yet he thought that it was analogous in principle to the vote which they had for many years unanimously agreed to for education in England.

Mr. *Colquhoun* differed with regret from his hon. Friend, but if the principles of the system of Irish education were correctly laid down by his noble Friend (Lord Stanley) they had been much departed from since. In 1835, in 1836, and in 1837, they had been departed from, and they were departed from in the altered regulations of the commissioners now on the table. The first of those altered regulations was the fraudulent attempt to entrap the Synod of Ulster into agreeing in them, by representing that the system was still the same as that originally propounded by the noble Lord. He did not agree with the system of the noble Lord, but, at least, it was intelligible. The main feature of that system was, that religious opinions should not be inculcated to colour the instruction given at the schools. But now the formularies and catechisms which the noble Lord would have excluded, were allowed to be introduced. He should be able fully to prove, that the present system had no trace of the original plan when the question came fairly before them, but he would not, however, enter upon such a subject on a motion like the present, abruptly to withhold the grant.

Viscount *Morpeth* said, the hon. Gentleman had distinctly charged the Government with a fraudulent attempt to entrap the Synod of Ulster. Whatever imputation came from the hon. Gentleman on that head, he was fully able to bear. Everything concerning the regulations and rules of the board which had been conceded to the Synod was matter of record.

The House divided on the question that the vote be agreed to: Ayes 147; Noes 23: Majority 124.

List of the AYES.

Abercromby, hn. G. R.
Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Baines, E.
Baring, rt. hon. F. T.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackburne, I.
Blackett, C.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Buller, E.
Busfield, W.
Campbell, Sir J.
Chalmers, P.
Clay, W.
Collins, W.
Corbally, M. A.
Cowper, hon. W. F.
Craig, W. G.
D'Eyncourt, r.h. C. T.
Douglas, Sir C. E.
Dundas, C. W. D.
Dundas, D.
Elliot, hon. J. E.
Evans, W.
Fielden, W.
Ferguson, Sir R. A.
Finch, F.
Fleetwood, Sir P. H.
French, F.
Gillon, W. D.
Gisborne, T.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Graham, rt. hn. Sir J.
Grattan, H.
Greg, R. H.
Grey, rt. hon. Sir G.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Heron, Sir R.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hoskins, K.
Houldsworth, T.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Hughes, W. B.
Hume, J.
Hutt, W.
Hutton, R.
Ingham, R.
Knight, H. G.
Lambton, H.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Macaulay, rt. hn. T. B.
Maher, J.
Marshall, W.
Marsland, H.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, M.
Ord, W.
Packe, C. W.
Palmerston, Viscount
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryme, G.
Rawdon, Col. J. D.
Redington, T. N.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, R. V.
Somers, J. P.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stock, Dr.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Thornely, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Tufnell, H
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.

TELLERS.

Parker, J.
O'Ferrall, M.

List of the NOES.

Archdall, M.
Bagge, W.
Blackstone, W. S.
Brooke, Sir A. B.
Bruce, C. L. C.
Burr, H.
Cole, hon. A. H.
Darby, G.
Duffield, T.
Duncombe, hon. W.

Egerton, Sir P.
Farnham, E. B.
Glynne, Sir S. R.
Ingestrie, Lord
Mackenzie, T.
Mackenzie, W. F.
Palmer, G.
Parker, R. T.
Perceval, hon. G. J.
Rushbrooke, Colonel
Sibthorp, Colonel
Smyth, Sir G. H.
Waddington, H. S.

TELLERS.

Kemble, S.
Plumptre, J.

Supply—Maynooth.] On the vote of 9,800*l.* for the college of Maynooth being read,

Sir *R. Bateson* expressed himself dissatisfied with the system of education at Maynooth, and would vote against this grant, if any other Member supported the motion for its rejection.

Viscount *Morpeth* said, that as the hon. Member for Kent had given notice of a motion against this grant, and as the expenses for the current year were already contracted for, he suggested that the House should not be provoked into a discussion on the subject at present.

Mr. *Bagge* said, that if no one would divide the House against the vote he would.

The House divided: Ayes 121; Noes 32: Majority 89.

List of the Ayes.

Abercromby, hn. G.R.
Acland, Sir T. D.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Baines, E.
Baring, rt. hon. F. T.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Brotherton, J.
Buller, E.
Busfield, W.
Campbell, Sir J.
Clay, W.
Corbally, M. E.
Craig, W. G.
D'Eyncourt, r. h. C.T.
Douglas, Sir C. E.
Dundas, C. W. D.
Dundas, D.
Elliot, hon. J. E.
Evans, W.
Ferguson, Sir R. A.
Finch, F.
Fleetwood, Sir P. H.
French, F.
Gillon, W. D.
Gisborne, T.
Goddard, A.
Gordon, R.
Grattan, H.
Greg, R. H.
Grey, rt. hon. Sir G.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Heron, Sir R.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, hn. E. G.G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Hume, J.
Hutt, W.
Hutton, R.
Ingham, R.
Knight, H. G.
Lambton, H.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Macaulay, rt.hn.T. B.
Maher, J.
Marshall, W.
Maule, hon. F.
Morpeth, Viscount
Muntz, G. F.
Murray, A.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, M.
O'Ferrall, R. M.
Palmerston, Viscount
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryme, G.
Rawdon, Col. J. D.
Redington, T. N.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, R. V.
Stansfield, W. R. C.
Stock, Dr.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talbot, J. H.
Thornely, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Westenra, hon. J. C.
Williams, W.
Williams, W. A.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.

TELLERS.

Stanley, hon. E. J.
Parker, J.

List of the Noes.

Acland, T. D.
Archdall, M.
Blackburne, I.
Blackstone, W. S.
Brooke, Sir A. B.
Bruce, C. L. C.
Burr, H.
Cole, hon. A. H.
Duffield, T.
Duncombe, hon. W.
Egerton, Sir P.
Farnham, E. B.
Fielden, W.
Gladstone, W. E.
Glynne, Sir S. R.
Gore, O. J. R.
Hodgson, R.
Houldsworth, T.
Hughes, W. B.
Ingestre, Lord
Kemble, H.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Packe, C. W.
Parker, R. T.
Perceval, hon. G. J.
Plumptre, J. P.
Rushout, G.
Sibthorp, Colonel
Smyth, Sir G. H.
Waddington, H. S.

TELLERS.

Bateson, Sir R.
Bagge, W.

The remaining votes agreed to, and the report received, and the other orders of the day having been disposed of, the House adjourned at half-past one o'clock to Monday.

HOUSE OF LORDS,

Monday, June 15, 1840.

Minutes.] Bill. Read a third time:—Insane Prisoners. Petitions presented. By the Duke of Richmond, from the Distillers of Elgin, against the Customs Duties Bill.—By Earl Stanhope, from Kinross, Sunderland, and other places, against the Trade in Opium.—By Lord Redesdale, from a Poor-law Union in the county of Kent, against the Assistant Poor-law Commissioners.—By the Earl of Enniskillen, from several places in Ireland, against the system of National Education.—By Lord Brougham, from Newburgh, for an Extension of the Suffrage; from Norwich, in favour of Mr. F. O'Connor, and from Anderston, for the commutation of the Sentence of Frost, Williams, and Jones.—By the Lord-Chancellor, from Attornies and Solicitors of Hereford, and various other places, in favour of the Administration of Justice Bill.

THE MINISTRY.] The Marquess of *Londonderry* said, a petition having been presented praying for the dismissal of her Majesty's Ministers, he felt it to be his duty, as it was the duty of any other Member of that House, to demand of Ministers upon what system or principle the Government of the country was at present conducted? The situation of the Government was unexampled in the history of the country. At no former time had he seen any instance of a Government sustaining so many defeats as the present Government had done in the last few weeks, and yet remaining in office. They had sustained no less than six decided defeats, in so many pitched battles. When he recalled these facts, and when he further recollected that last year the noble Viscount had come down to the House and declared that it was not possible for him to carry on the Government of the country when he had a majority of five, he could not avoid asking, how could the noble Viscount now hope to carry on the Government, when, upon two late occasions, there were majorities of three and eleven against Ministers? Why, under these circumstances, did the noble Viscount now continue at the head of the Government, when such a proceeding was directly contrary to what he had stated on the occasion to which he (the Marquess of Londonderry) had referred? Let the noble Viscount consider for a moment the extraordinary situation in which he stood in that House when the last most important discussion took place a few evenings since. Their Lordships saw the noble Viscount on that occasion deserted by all his colleagues. Yes; not one of them stood by him. Even the first Commissioner of Woods and Forests deserted the noble Viscount "at his utmost need." Not one of his colleagues stood by him. What, then, was the influence of Government? Where did it centre? What was the country to look to? Were they to look to a divided cabinet? Or was their attention to be directed to the noble Viscount? The present, he repeated, was a crisis unexampled in the history of the country; and when a petition was presented by the noble and learned Lord, calling on the House to address her Majesty for the dismissal of Ministers, he thought he had a right to ask on what principle the noble Viscount intended to now conduct the Government.

Viscount *Melbourne* said, the noble Earl could not expect him to enter into a statement of the general affairs of the country, and of the general proceedings of the Government, on the present occasion, when, in fact, scarcely any thing bearing the semblance of a definite question had been put by the noble Earl.

The Marquess of *Londonderry* said, he certainly did not expect, when he put his question, that the noble Viscount could or would give any explanation of the unfortunate situation in which the Government was at present placed. He, however, had on former occasions congratulated the noble Viscount on his various defeats; and, as long as he had the honour of holding a seat in that Assembly, he should not fail to congratulate the noble Viscount on every new defeat which he might happen to sustain.

Petition laid on the table.

HOUSE OF COMMONS,

Monday, June 15, 1840.

MINUTES.] Bills. Read a first time:—East India Mutiny.—Read a second time:—Entailed Estates (Scotland); Isle of Man.

Petitions presented. By Mr. Bramston, Mr. Darby, and Mr. Liddell, from the Clergy of the Archdeaconry of Essex, from Lewes, and Durham, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Halford, Captain Gordon, and Mr. Hogg, from Market Harborough Beverley, Shrewsbury, and other places, for the Equalisation of the Duties on Sugar.—By Sir R. Inglis, Mr. Buck, Lord G. Somerset, and Lord Barrington, from Durham, York, Chichester, and various other places, for Church Extension.—By Sir R. Inglis, from a body of Clergy, against the Clergy Reserves (Canada) Bill, and from St. Paul's, Wolverhampton, against Sunday Trading on Canals.—By Mr. F. Berkeley, Mr. Pease, Mr. Wallace, and others, from Greenock, York, Worcester, Sunderland, and other places, against any grant of Public Money for Church Extension.—By Mr. T. Duncombe, Sergeant Talfourd, Mr. Hume, and others, from Stockport, Nottingham, Norwich, Glasgow, and other places, for the Release of persons confined for Political Offences.—By Mr. Mackinnon, from Medical Practitioners in the Metropolis, for Medical Reform.—By Major Scarlett, from Guildford, against any Grant to the College of Maynooth.—By Mr. Wallace, from parties in Leicester, for Improvement in the Post-Office.—By Mr. Darby, from twelve parishes in Sussex, against parts of the Poor-law Amendment Bill.—By Mr. A. White, and Mr. Brotherton, from a Teetotal Temperance Society in Sunderland, and Kinross, against the Opium Trade.—By Mr. S. Barry, from Cork, against Lord Stanley's Registration Bill.—By Mr. Heathcote, from Lincoln, in favour of the Climbing Boys Bill.—By Sir G. Clerk, from the General Assembly of Scotland, for the due Observance of the Lord's Day, and against the Sale of Spirits on the Sabbath.—By Sir G. Staunton, from places in Hampshire, for the Abolition of Church Rates, and against Church Extension.—By Mr. C. Bruce, from Distillers in Scotland, against any Increase of the Duties on Malt, or Spirits.—By Mr. Hume, from Birmingham, and another place, for Universal Suffrage.—By Captain Gordon, from Aberdeen, in favour of the Church of Scotland Bill.—By Mr. Sanford, from Bath, for the Abolition of Church Rates, and Ecclesiastical Courts.—By Mr. W. Duncombe, from a place in the West Riding of York, against the Repeal of the Corn-laws, and against the Continuance of the Assistant Poor-law Commissioners.—By Mr. Palmer, from Berkshire, against the Continuance of the Assistant Poor-law Commissioners.—By Mr. D. Browne, from places in Mayo, against the Irish Registration Bill.

ORDERS OF THE DAY.] Lord *John Russell* said, that he should now have taken the ordinary course of moving the order of the day, had not the noble Lord, the Member for North Lancashire, stated on the evening of Thursday last, that he should move the consideration of the Irish Registration Bill on this day, in preference to any measure or any bill the consideration of which might be moved by a Member of the Government. He thought that that statement rendered it necessary for him to trouble the House with a few words in explanation of the reasons which had induced him to take the usual course on the present occasion. He believed that the course which the noble Lord proposed to take was entirely unusual. For his own part, he considered, that it was a useful mode of transacting public business, that on certain days of the week, the measures of Government, on the proposition of some Member of Government, generally of the Member who occupied the station which he had then the honour to occupy, should be taken into consideration previously to any other; and he knew from experience that that mode was generally acquiesced in by all parties in the House. He believed that it had been the usual course, and he was certain that it was the most convenient, because those measures which were then brought forward by the Government were measures which did not belong to this or that Administration in office, but were measures which were necessary to promote the business of the country, and which any Minister intrusted with the confidence of the Crown would be compelled to bring forward and carry through to a conclusion. The noble Lord, however, now thought proper to propose a different course. He had declared his intention of setting aside the usual practice of this House, by substituting a proposition of his own for the orders of this day. He submitted to the House, that this was a mode of proceeding unusual, inconvenient, violent, he should say, and certainly not Conservative. If such a precedent should obtain, if the course of their proceedings were to be thus interrupted by the motions of individuals belonging to the party of the Opposition, no surer mode could be devised for embarrassing, he would not say this Government, but any Government, which was intrusted with the confidence of the Crown for the purpose of carrying on the business of the nation. He therefore thought it right to declare frankly at once, that he should persist in moving the Order of the Day, and that he should resist any motion for substituting the consideration of any other measure for those of the Government which now formed part of the Order of the Day. He had seriously considered this to be his duty to the House, having reference at the same time to the votes of the House on the recent divisions. The noble Lord, the Member for North Lancashire, had brought in his bill without a division. It was carried on the second reading by a division. After another division, the House agreed that the bill should go into Committee; and, lastly, when his hon. Friend, the Member for Halifax, with perfect fairness, and, as he thought, upon very just grounds, moved, that the Registration Bill for England, should be considered before the Registration Bill for Ireland, the House decided in favour of first considering the latter bill. He saw that there were some intimations of doubt as to the fairness of the course pursued by his hon. Friend, the Member for Halifax. He therefore declared again, that his belief was, that the intention of his hon. Friend was perfectly fair towards the House and towards the measure in question; and he could say for himself, that though he had waved what he thought would be the most expedient course of proceeding in deference to the declared will of the House, he had supported his hon. Friend's plan in perfect fairness, thinking that it would be better that in the consideration of this important subject, the English Registration Bill should have precedence of that which related to Ireland. The House upon that occasion came to a different conclusion, and he was therefore, compelled to consider the circumstances in which they were placed. He had intended, and he had stated his intention to his hon. Friend, the Member for Halifax—he had intended, he said, in case his hon. Friend had succeeded in carrying his amendment, to have proceeded with the English Registration Bill; and if he had carried the second reading of it, he should have proposed that the House resolve itself into Committee upon it on Thursday. The House having decided in favour of considering the Irish Registration Bill first, he thought that it was but fair, that that bill should be placed in the same position in which he had intended to place his own bill. He should, therefore, propose, that the bill of the noble Lord, the Member for North Lancashire, should be placed in the same position in which the English Registration Bill would have been placed, had the second reading of it been carried. He had already told the House, that he had intended to fix the Committee on his own bill for Thursday next. That was the earliest open day; but, as the Irish Registration Bill was the noble Lord's bill, and not his, if Friday next would suit the noble Lord's convenience better than Thursday, or even if Monday next would suit him still better, he should be ready to grant the noble Lord precedence for his bill on either of those days. In making this offer, he wished to have it understood, that whenever that day came, he should be ready to go at once into discussion of the bill in Committee. He had voted against an instruction being given to the Committee, and if the noble Lord should agree to take either of the days now proposed, he should in the event of an instruction, vote against it again. It was for the noble Lord to take his own course. The proposition he now made, he thought, was a fair one, but if the noble Lord should not adopt it, but persist in his determination to thwart and obstruct the business of the country, by forcing on his bill to-night, in preference to the prior business on the orders, he should meet the motion of the noble Lord by moving the Order of the Day for the second reading of the Clergy Reserves (Canada) Bill.

Lord *Stanley*: With regard to the course which has been taken upon this bill, whatever may be the character of violence which has marked the discussions upon it, I trust that the House will do me the justice to say, that there has been nothing of violence to characterize the manner in which I have endeavoured to conduct it. That the course which I have proposed to pursue is unusual, I am ready to admit. I am ready to admit to the noble Lord opposite, that in ordinary circumstances, and upon ordinary occasions, the usual course to which he has adverted is convenient for the discharge of public business. I am also ready to admit, that it is on every account desirable that the person, whoever he may happen to be, who stands in the situation of the noble Lord, and who has to conduct, on the part of the Crown, the business of the country in this House, should have the power to select on the day appointed for the consideration of Government business, that portion of the Orders of the Day which is most indispensable for the due transaction of public affairs. But are not the circumstances—I ask the House with confidence—are not the circumstances unusual in which I am placed? And when I say, the circumstances in which I am placed, let me disclaim personally, for myself, the imputation that I was vain enough to suppose that I could offer any personal claim for having the measure which I had proposed taken in preference to any other measures which had been submitted to the House. But are not, I say, the circumstances unusual in which, not I, but the House, has been placed, with respect to this measure, for the Registration of voters in Ireland? Are the circumstances usual, that three times in one Session, on a single bill, the utmost efforts of the Government should be defeated, and yet that against the expressed sense of the majority of the House thus expressed, the Government, still representing itself as a Government conducting the affairs of the country, should not only not abstain from opposition to a measure so decisively supported by the House, but should also put the individual Member who had undertaken to conduct its progress through the House on his extreme right of gaining one of those three days in each week, which are left open to him by the other business of the House? If the course which I am pursuing is unusual, the circumstances which compel me to take that course are not only unusual but unprecedented. But, even if it be unusual, my course is neither unconstitutional nor un-Parliamentary. It is a legitimate course, in which not thwarting or obstructing the public business, as the noble Lord unjustly insinuates, but giving the House an opportunity of deciding what public business is most essential to be transacted first, I raise, in a perfectly Parliamentary way, the question now at issue between myself and her Majesty's Government. There is no claim of right, there is only a claim of courtesy and expediency, to the Order of the Day now made by the Government. There is, I repeat, no claim of right; and if it be considered a question of courtesy, I must be excused for saying, that I never recollect a case in which one side of the House had less right to appeal to the other in point of courtesy. Moreover, the course which I gave notice that it was my intention to pursue is strictly Parliamentary, and in strict accordance with the standing orders of the House, agreed to at the commencement of every Session. There was a time, and that not very long ago, when much practical inconvenience resulted, and when the public business was really thwarted and obstructed by substantive motions which had no connexion with the Orders of the Day, being brought forward as amendments upon them. And how was that practical inconvenience met? What was the remedy applied to it, and how was that remedy limited? Three years ago an order was made, which we have since repeated every year, that on the Order of the Day being read, one amendment, and one amendment only, should be moved upon it, that amendment being either that the other Orders of the Day be now read, or that some particular Order of the Day should be taken into consideration, not to thwart or obstruct public business, but to give the House the means of deciding to which Order of the Day it would give the preference. So far, then, from this course of mine being either violent, unparliamentary, or unconstitutional, I assert that it is the course expressly pointed out by the orders of the House, as the only course which any hon. Member, unconnected with the Government, has of bringing measures fairly under the consideration of the House, when supported in opposition to the Government, by a considerable majority. I have but one object in view in this course, a plain, a simple, intelligible, and, as I think, a reasonable object; which is, that the measure which I have introduced should undergo a full, fair, and deliberate investigation and canvass into its details. And I must do my utmost to obtain for that measure that full, fair, and deliberate investigation; I must not have it pushed off from day to day, and from week to week, by the moving of one instruction and one amendment after another, especially after the House has solemnly affirmed its principle on the second reading, whenever it is proposed that the Speaker do leave the chair, for the purpose of the House resolving itself into Committee. My only wish is, that the bill should be properly discussed and passed, if it meet the approbation of the House. Further than that I have no wish to go—further than that if I should go, I should be placing myself, as I trust that I have not yet placed myself, in the wrong before the House. If, after the division on Thursday, the noble Lord—but I will not remind the House of the obstructions which this measure has met with in the course of its progress—but if, after the division on Thursday night, when the House decided that the question of the Irish registration was the most important and most pressing,—when it declared that it was a question which must be dealt with in the present Session—when it decided against the amendment of the hon. Member for Halifax, and declared that the measure for the amendment of the English registration should not precede the measure for dealing with the abuses of the Irish registration—if the noble Lord had then got up and told me that on Monday the business was pressing and important, but that my motion should be discussed on the next vacant day, at once and without a moment's hesitation I should have been satisfied and have given way. But did the noble Lord give me any such assurance? Did the noble Lord let fall the slightest hint that I should get the smallest facility in bringing under discussion a bill which has been so long and so unaccountably delayed? Quite the reverse. Another notice of a motion to obstruct the bill was given by the hon. and learned Member for Dublin,—a motion, too, which had been again and again defeated. Under such circumstances I should have allowed both the bill and the House to be trifled with had I not stood upon my extreme right, and said that this bill shall not be shelved, shall not be put off from day to day, but shall be fairly, fully, and dispassionately tried. Even now, if the noble Lord opposite will fix an open and an early day for the discussion, my object will be answered, provided the noble Lord will promise to discountenance any vexatious obstructions, and not afford them a passive acquiescence. Perhaps Thursday, for many reasons, would be an inconvenient day, but I shall be perfectly content with any other early day which the noble Lord might fix. When I receive from the noble Lord the assurance that the bill shall come on, I will withdraw my motion, my object being fairly and completely answered. I shall leave it to the noble Lord to state whether on Friday or Monday next the discussion of this bill in Committee will be least inconvenient to the business of the country. I shall be perfectly satisfied with either day; for I want nothing but fair and temperate discussion. I shall be ready to consider suggestions from either side of the House, and ready to make such concessions as may meet the general sense of the House, but I must express my determination to do my utmost to carry through a bill which I believe to be essential to the welfare of the country.

Order for the Committee fixed for the ensuing Friday.

Clergy Reserves (Canada)]. Lord J. Russell moved the Order of the Day for the second reading of the Canada Clergy Reserves Bill. On the question that the bill be now read a second time,

Mr. *Goulburn* feared it was scarcely possible that he should obtain the attention of the House in its present state of excitement, but the course he intended to take was one which would dispense with the necessity of entering at large into the details of the bill. It was not his intention to oppose the second reading, but he had not arrived at that determination without feeling great difficulty as to the course most expedient to pursue. A bill for settling the question of the clergy reserves in Canada was an expedient, he might almost say a necessary accompaniment of the bill for effecting a legislative union, to which he had intimated his assent on a former occasion. On the other hand, he must say, when he looked at the particular enactments of this bill, they appeared to him far beyond what the necessities of the case required, and at variance with principles which he regarded as of great importance. The title of the bill was to provide for the sale of the clergy reserves, and the distribution of the proceeds. To that title, modified as it might be, he could agree without hesitation, and he would have no objection to the preamble; but he gave notice to the noble Lord that there his acquiescence in this bill in a great degree must cease, and he only intended on the present occasion to assent to the second reading, because he was unwilling to have it supposed, that he was not as anxious as any Member of the House to make a settlement of this important question by the Parliament of the United Empire, contemporaneously with that of the legislative union, and not to leave it for future settlement by the provincial assembly. That was the only ground on which he could assent to the second reading, and he was anxious, that it should pass this stage without the expression of a contrary opinion here, which might have consequences more serious in the colony than we in this country were accustomed to suppose it. He claimed from the noble Lord full power at a future stage to enter into the discussion of the various objections he felt to the details of the measure; and he would express a hope that those who felt in common with him the necessity of altering them would concur with him on the present occasion, when discussion was scarcely practicable, in giving a qualified assent to the second reading.

Mr. *Gally Knight:* I feel the greatest reluctance to acquiesce in the second reading of this bill. It may, perhaps, seem extraordinary that I, who expressed the opinion that the Canadas would not long remain a part of the British Empire, should take any deep interest in this bill; but I do think that, so long as the Imperial Legislature frames laws for those provinces, it is our duty to provide for their welfare, whether they remain a part of this empire or not; it is our duty to sow such seed, and only such, as will produce salutary fruit. I confess [I am not a little disappointed by the bill which is now before the House; I did hope that, after the opinions which have been expressed on this subject, and the ample opportunity which has been afforded, I did hope that the noble Lord would have made this bill less objectionable than its illegal predecessor; but this bill is a very counterpart of the former, as if the noble Lord were resolved to show, that he was not to be influenced by anything that has been said, as if he were resolved to show his utter disregard of the opinions which have been pronounced, and of the persons who pronounced them—encouraged, I conclude, by the precepts of her Majesty's Solicitor General, who exhorted him to send up bills without any regard to the feelings, or opinions, of those to whom they are sent. The question of the clergy reserves is one of those questions which change their aspect with the temper of the times; of small dimensions, whilst the Canadas remained in a state of tranquillity, it has swelled into a morbid importance, in proportion as disaffection increased; for above thirty years not a voice was raised on the subject. It was not till 1821 that the Church of Scotland, for the first time expressed a wish to be allowed to participate. Since that period other claimants have come forward, one claim leading to another; at length, when the British yoke was to be shaken off, those who wished to promote that object saw that something was to be made of clergy reserves, and it was not long before clergy reserves became, in this way, a cry as well as responsible government. I do not say that no feeling existed previously on the subject, but I do say, that the intensity of the feeling is chiefly to be ascribed to political agitation. Of latter years the subject has repeatedly been brought before the provincial Legislature; sometimes a claim was put in for more parties; sometimes for not so many: sometimes it was proposed that the whole proceeds of the clergy reserves should be appropriated not to church purposes, but to education: sometimes that they should be distributed amongst the sects recognised by the laws of the province; at one time, that they should be allotted to the Church of England, the Church of Scotland, and the Wesleyan Methodists; at another time, that the whole subject should be referred, as it is now, to the Imperial Legislature; finally the bill was passed which was sent over this year, which assigns the proceeds, as does the bill which is now before the House, to all denominations. If this had been the uniform, unvarying demand of the provincial Legislature—if their cry had always been "this bill, and nothing but this bill"—then, perhaps, the noble Lord might have been justified in the course which he has pursued—but the House of Assembly has never come twice to the same decision: the decision of the House of Assembly has varied every year; we have, therefore, no reason to believe, that the people of Canada will acquiesce in no proposition but the present. Such is what may be called the history of the case—and now with regard to the rights of the case, I have no doubt that the clergy reserves were originally intended for the Church of England alone. I have no doubt that the opinion of Sir Peregrine Maitland is the right one, who says, that the expression of "Protestant Clergy," was in contra-distinction to that of "the Roman Catholic clergy," of whom mention had been previously made; and this opinion is confirmed by the fact that, for above thirty years, no claim was set up by any other party. This opinion is perfectly compatible with the opinion pronounced by the Crown lawyers, and recently by the judge; because if the original intention of the grant were once lost sight of, and the only question asked should be, "what do you understand by the words 'Protestant clergy?'" I freely admit that those words are large enough to comprehend other than the clergy of the Church of England. Indeed, it might be contended that the Church of England was altogether excluded, because the Church of England never protested. I am far from meaning to push the argument so far; I am only showing how far it might be carried if the letter of the law were alone to be considered, and the spirit and intention of the law, wholly disregarded. The opinion of the Crown lawyers was taken in 1819. They gave it as their opinion that the words would include the Church of Scotland, but could only apply to such churches as were recognised and established by law. The opinion of the judges, delivered the other day, equally admits the claims of the Church of Scotland. But the whole subject is now referred to the Imperial Parliament; and now comes the question, in what manner under all these circumstances it is the duty of the Imperial Legislature to act? I am far from wishing that the clergy reserves should be retained for the Church of England alone. I admit that in a colony we cannot plant a single dominant church; and, in the Canadas, which are soon to be united, which are soon to be one country, as the Roman Catholic Church is already established in a part of that country; least of all in the Canadas, should I wish to see only one Established and one dominant Church. But that about which I am anxious is, that the future happiness of the Canadas should be carefully provided for, and, with this view, I am anxious not to perpetuate in the Canadas the disturbance and distraction of a multiplicity of sects; not to teach the people to be indifferent about religion by giving them reason to believe that we are indifferent about it ourselves. It is not that I presume to limit salvation to any particular shade of Christian doctrine, but that so much heart-burning and strife arises from the multiplicity of sects, that I would do nothing I could help to establish in the Canadas so great an evil. I therefore, object to this bill not only because it deals severely with the Church of England, but because it leaves everything open—because as it now stands, there is no variety of creed that a future Governor-general might not endow—no number of sects which may not have chapels in every village. What I earnestly wish is, that the clergy reserves, originally intended for *one*, should at any rate be confined to a few. In this desire I am borne out by the opinion expressed in a resolution of the provincial Legislature, at a time when the dispute was the hotest. The words of this resolution are " that it would be impracticable, and, for many considerations, inexpedient to distribute the money arising from the clergy reserves amongst all denominations." An additional reason for restriction is the inconsiderable amount of the fund (as compared with the object to be effected), which the sale of the reserved lands can be expected to produce. It appears that the whole of the clergy reserves cannot be expected to produce, from first to last, much above a million of money; not much above 40,000*l.* a-year for the salaries of all the Protestant Ministers, and the building of all the Protestant Churches in a country which exceeds the British islands in extent. But, then, we must give satisfaction. Can we ever hope to satisfy all the world? Is it our duty at any cost, to give satisfaction to those who have been in arms against us? May we not be content with doing what is right, and giving satisfaction to moderate and reasonable men, and to those who are still friendly to British connexion. Looking to all these considerations, looking to the original distinction of the grant, looking to the amount of the income, looking to the future welfare of the Canadas, I should esteem it by far a wiser course to be guided by the resolutions which, only a year ago, were adopted by the House of Assembly, and which, therefore, cannot be supposed to be of a nature very distasteful to those for whom we are about to legislate. These resolutions were—1st., Out of the proceeds of the clergy reserves to pay to each clergyman of the Churches of England and Scotland 100*l.* a-year. 2nd. To pay the ministers of the Wesleyan Methodist Church of Canada, in connexion with the English Conference, 100*l.* a year. 3. To expend the surplus interest in aid of the erection of Protestant places of worship. I think this would be a liberal interpretation of the Act of 1822—would square with the probable amount of the proceeds —and would consult the future welfare of the colony—I am aware of the claims of the Roman Catholics to assistance. I know that so large a number of our Irish brethren have migrated, and are, every year, migrating to Upper Canada, that they ought not to be left in a state of spiritual destitution. All I say is, that we cannot provide for the Roman Catholics out of this fund. In the face of the words, " Protestant Clergy," after being doubtful whether even the Church of Scotland is entitled to participate, how can we conscientiously admit the Church of Rome? To assent to this would be as imprudent as it would be wrong; for if men make it too apparent that they are utterly devoid of principle, they lower themselves in the opinion of the world, and lose no small portion of the power and influence which they possessed. Could we even surmount our scruples, the amount of the fund is an invincible obstacle of itself. There will never be more than will be absolutely required for Protestant purposes. But the clergy reserves are not the only lands. The Crown has a considerable extent of other lands in the Canadas, and the faith of the Crown might be pledged to continue to pay the Roman Catholic clergy, as they are paid now, out of the territorial revenues. This is the way in which I think, the *vexata questio* of the clergy reserves ought to be settled. This is the way in which I think, it might be settled. But I protest against the undefined, and indefinite latitude of the bill, as it stands at present; and to it, in its present shape, it is impossible for me to give my support.

Sir *R. Inglis*, after alluding to the non-attendance of hon. Members on that important subject, contrasted with the full attendance which had characterised the discussions upon the Irish Registration Bill of his noble Friend, said, that nine-tenths of the Members within that House were as ignorant, he was afraid, of the merits and demerits of the bill then under consideration as were the persons outside. It was difficult, nay, it was almost presumptuous, in him to expect the attention of the House; yet so strongly did he feel the importance of the subject, that he felt, whether the House then passed the Bill with or without a division, that it was a duty which the House owed to itself, and to those for whom they legislated, not to decide hastily or without consideration. Two months ago he doubted whether such a principle as that contained in the bill before the House could or would be entertained by that House; much less could he suppose that it could pass almost unnoticed and unobserved. Great indeed was the excitement which prevailed when the Government announced their intention of interfering with the clergy reserve lands of Canada, and the bill which had been submitted to Parliament was drawn up in direct contradiction to the opinions of the judges. There never was any doubt that the clergy reserves in Canada were the exclusive property of a Protestant Church, and it was only considered possible that the Church of Scotland might be entitled to share in the proceeds, but, in his opinion, the terms of the Act 31st George 3rd, which spoke of various orders of clergy, rectories and parsonage houses, must have reference exclusively to the established and episcopal Clergy. When, however, he found that the Government was not content with admitting the church of Scotland to a participation in those revenues, but proposed to extend the same right to the Roman Catholic clergy, he must say that the absurdity of the scheme was only equalled by its atrocity. It was an infraction upon the rights of property, with the full possession of sixty years to legalise the title. His right hon. Friend, the Member for the University of Cambridge, had said, that if he looked to the clauses only of this bill he should regard it with unqualified disapprobation; but, he would ask, what had his right hon. Friend to look to on the present occasion? Not to the clauses, but to the principle of the bill. The bill was to provide for the sale of the clergy reserves in the province of Upper Canada, and for the distribution of the proceeds thereof, and the preamble recited that it was

> "Expedient to provide for the final disposition of the lands called clergy reserves, in the province of Upper Canada, and for the appropriation of the yearly income arising or to arise, therefrom, from the maintenance of religion and the advancement of Christian knowledge within the said province."

Now, he held that this was not merely a crime, but a needless crime: it was a robbery without an object. It would be far better to lease than to sell the lands; and here he would observe, that the whole colonial policy of this country, for many years past, in selling the fee simple of the Crown lands instead of granting them on lease, was radically wrong. Had the Government proposed to lease the colonial lands for ninety-nine years instead of disposing of them in perpetuity, they would obtain an equal amount of money, with the advantage of having the reversion to this country of those lands in a cultivated and improved condition after the lapse of one hundred years, which would contribute very largely to defray almost the whole expense of our colonial administration. Were this principle applied to the Canada clergy reserves a similar benefit would result. It had been stated that the lands were at present valueless. That could be obviated by letting the lands in lots, say for seven years at first, a condition annexed that a certain portion (one-third of these lots) should be cultivated, and on the expiration of the first septennary to re-let them for a second septennary with a similar condition, with a small annexed rent. By that means after the lapse of twenty-one years the whole of the lands would be cultivated, and the Government would obtain more in the course of these twenty-one years for the lands than they were now likely to obtain for them by their unconditional scale. By this bill the Government deprived the clergy and themselves of these lands, and by so doing committed a crime without an object. More could be obtained by letting than by selling these lands; besides, that House or her Majesty's Government had no more right to appropriate to other than clerical purposes the proceeds of the sale of these lands than they would have to appropriate or sell the property of the municipality of Montreal or of any town in the empire.

By depriving the Protestant clergy of the Church of England of the produce of the sale of these lands, they established the right of the strongest. The distribution of their proceeds to the clergy of other denominations was contrary to the policy and principles of those who established these reserves; and he could not see with what justice or consistency the House should consent to the appropriation contained in the preamble of the bill. The judges of the land had decided that the clergy of the Church of Scotland were comprehended in the act which established these reserve lands, and were included in the name of "Protestant;" but they said that they were not asked whether or not other bodies were included also in the 31st George 3rd. Now what said the bill? The bill declared that "the residue of the fund should be applied for the support of the ministers or other religious teachers of the other religious bodies or denominations of Christians now receiving any stipend or allowance out of the revenues of Upper Canada." His hon. Friend, the Member for Droitwich, sought to obtain a list of the other denominations who were to be comprehended within this description. That list his hon. Friend could not obtain. But as the clause was worded, it comprised not only Roman Catholics *eo nomine,* but those who could not be denominated Christians. This was contrary to the opinion of the judges, who declared that there were but two classes—the members of the Churches of England and of Scotland were alone included in the Act of 31st George 3rd. For these reasons he trusted that the House would not pass that bill or recognise its principle, and that they would not deprive the clergy of those Churches of that provision which the enactments of the Act of 31st Geo. 3rd intended and provided for them.

Mr. *Hume* remarked that the bill was divided into two parts—one for the sale of the reserves, and the other for the distribution of the proceeds. He was of opinion that the sale of the clergy reserves was a proper measure; to that extent he would go, but no further with the bill. The hon. Baronet opposite disapproved of the distribution of the produce of the sale amongst any persuasion but the members of the Church of England; but he must admit that the English judges had gone a little further than that, and had stated that the Scotch Church according to law had a right to a share in it. This subject had been a source of continual discontent and strife for the last twenty years in Canada. He would not say that it was the cause of the insurrection which had taken place in Canada, but according to the communications of Mr. Thomson and others who were the best acquainted with the state of popular feeling, it was one of the main causes of that revolt. To carry this bill would be to force on the people of Canada that which they did not require and which they wished to avoid. The Government would be deceiving the people of Canada, for they had made promises which now they were about to violate. For several years past petitions had been laid on the table of that House, praying that the clergy reserves might be sold, but at the same time that no part of the produce should be applied to the aid of any religious persuasion in Canada where there was not more than one person in ten belonged to the Church of England. They wished the money to be appropriated to some general purposes of improvement, and not to the support of any single religious establishment. If the bill passed, therefore, in its present shape, it would go to set up religious establishments in opposition to the general views and wishes of the people who desired that the voluntary system should be maintained, as it was in the United States. Those who lived to see the operation of this bill should it pass, would find that it had sown the seeds of future discord and confusion. He objected to the bill, not because it did not give all the money to the Protestant Established Church, but because it gave any to any church. The people of Canada wanted no appropriation of the money to any religious class, whether Protestants, or Roman Catholics, or Dissenters. They had recorded that opinion and desire in the petitions which they had presented during the last six or seven Parliaments. It rested with the noble Lord the Minister for the Colonies to say whether he would sow the seeds of future peace or future discord. The noble Lord might think that an expression of opinion in favour of the principle of this bill on the part of the British Parliament would create a change in the public mind in Canada. Why he ventured to caution the noble Lord on a former occasion when, the noble Lord thought that an expression of a large majority of that House would have that effect. But what did the Canadians do?

That House expressed an opinion, which was confirmed by 600 Members to fifty-four, against the opinion of the Canadian people. Why, the Canadians laughed that opinion to scorn. They were not to be dragooned considering the neighbourhood in which they lived, into a compliance with every measure the noble Lord chose to bring forward. He entered his protest against the appropriation of the revenues which might be derived from the sale of the clergy reserves in the manner proposed. The Canadians themselves were the parties to whom the appropriation of the money should be left, for they were the best judges in the matter. He should, however, agree to let the bill go into committee for the purpose of making that alteration which he deemed to be necessary.

Sir *G. Clerk* said, he rose chiefly for the purpose of calling the attention of the noble Lord and the House to the manner in which it was proposed to deal with the the ministers of the Church of Scotland in this bill. It was a matter of great gratification to him, and no doubt to every native of Scotland, that the claim which had been put forward for so many years by the Church of Scotland had been confirmed by the judges of the land. But he regretted that it should be attempted to give effect to that decision of the judges in a manner which could not but give pain to the Church of Scotland; he alluded to the description which was given of that Church in the bill. He did not disapprove of the sale of the clergy reserves, nor of the proposition that a share of the produce should be given to the Churches of England and Scotland; but he regretted, that in disposing of that portion of the reserves which was to be devoted to the Church of Scotland, there should be mixed up with that Church a great number of persons who had no connexion whatever with it. They were told, that the clause of the bill allotting one fourth to the Church of Scotland, was

> "To be taken to mean and include as well the Presbyterians in connexion with the Church of Scotland, as the Presbyterians of the United Synod in Upper Canada."

He would not enquire now whether too large or too small a portion of the funds was to be given to the Church of Scotland, but he asked whether they were right in allowing other persons to take part in the benefits intended professedly for that Church? It was not necessary that a man to be a Presbyterian should adopt the particular forms and creeds of the Church of Scotland, or that he should subscribe to the confession of the Westminster assembly of divines. Under the term "Presbyterians" there were many sects who held doctrines quite opposed to the doctrines of the Church of Scotland, both in this country, in the United States, and in Canada. If the Church of Scotland was to be considered entitled to a share in the clergy reserves under the Act of 1791, and yet to be mixed up with the other Presbyterians, what was that but throwing the Church of Scotland into the same position as other sects, and making them equal with her? The bill went on to make the most extraordinary provision for erecting a General Assembly in Canada, totally different from that General Assembly which was known in Scotland. He was sure that if the General Assembly of the Church in Scotland was fully aware of the nature and purport of the clauses in this bill, a very strong remonstrance against the bill would be sent into that House. The clause for directing the application of the funds enacted, that

> "The share for the Church of Scotland shall be expended under the authority of a general assembly of ministers and elders within the said province of Upper Canada, severally deputed from the Synod of the Presbyterian Church of Upper Canada, in connexion with the Church of Scotland, and from the United Synod of Upper Canada, presided over by a commissioner to be appointed by the Governor of the said province."

That clause bespoke either great ignorance or great carelessness, because the president of any such assembly was a person chosen from among their own body. Those who drew up the bill must have been unacquainted with even the forms of the Church courts of Scotland, as well as ignorant of the fact that there was a great dissimilarity between the doctrines and discipline of the Church of Scotland and many of those who were called Presbyterians. By such an arrangement the noble Lord could have no security against persons claiming aid who would teach religious opinions not taught or recognised by the Church of Scotland. Before the bill went into committee, he trusted the noble Lord and her Majesty's Government would carefully revise the clauses he had referred to, and whatever portion of the funds might be allotted to the

Church of Scotland, whether it were a fourth part or a larger proportion of the aggregate, he hoped that care would be taken to secure it to the Church of Scotland exclusively. As no division was likely to be taken at this stage of the bill, he should reserve his objections to matters of detail to some future opportunity. But he hoped, that in the mean time some attention would be paid to the manner in which the Church of Scotland had been specified and described in the bill.

Mr. *Kemble* objected not merely to the details, but to the principle of the bill. He was sorry to say anything which might appear unkind to Dissenters from the Establishment, many of whom he knew to be very worthy men, but he contended that they must not expect to have such measures as this passed. If the principle of this bill were once recognised, he did not see how they could afterwards maintain an Establishment in this country or in Canada. In his humble opinion, the funds raised by the sale of the clergy reserves, ought to be applied to the churches of England and of Scotland exclusively. Were the State to allow the money to be given to others than established Churches in Canada, he did not see how they could refuse support from the State to any denomination of professing Christians in this country. He considered the bill to be, in fact, a fatal attack upon the principle of Church Establishments; and, though he wished to exercise all charity to other denominations, he could not be a party to any State allowance being made to any religious community except the Established Churches of the land. On these grounds he should divide with the right hon. Baronet against the bill.

Lord *J. Russell* said, the hon. Gentlemen who opposed this bill, all seemed to have argued on the ground that it was a bill to explain the Act of 1791. That was not the object of the present bill, but to settle the question, which had been a source of great discontent and vexation in Canada. The Act of 1791 had a certain sense to be applied to it, and with regard to that sense certain doubts had arisen, and the matter had been referred to the judges for their opinion. But the present bill was not a bill to explain any of those doubts, or to state what were the opinions of the Legislature itself in 1791. It was a bill proposing to deal with property as it now existed, and to settle it in the manner best calculated for the peace of Canada, and for the promotion of religious instruction there. That being the object of the bill, he thought what hon. Gentlemen had stated as to the nature of the Act of 1791 lost all the force which might otherwise belong to it. The property to be dealt with by the bill had been left waste and neglected, and the revenue derived from it had been vested in a corporation, not established by law, but of very questionable authority, which corporation had received the feu rents that were to be received, and afterwards paid them over to the receiver-general, to be applied by the Governor under the direction of the Crown. But that property had been an obstacle to the improvement of the lands, and a source of the dissension and division in the Legislature. It was thought desirable, then, not to explain the Act of 1791, but to settle the question in such a manner as to promote the religious instruction of the people, and procure the permanent settlement of the dispute. The present Governor had stated, that the consequence of not settling this question would be, that, as had always been the case, whenever a general election took place this would be a great subject of discussion and division, and those candidates who would promise not to vote for the application of the funds arising out of the clergy reserves to the support of any ministers of religion whatever, would receive the support of the great portion of the people of Upper Canada, and thus the first meeting of the Legislature would be one of disturbance and dissension. The question would be still, not whether the Church of England should receive one-fourth of this property, or the Church of Scotland one-fourth exclusively, or whether it should be divided with the United Synod of Upper Canada, but whether any of the property should be devoted to the purposes of religious instruction at all, and if so, whether Roman Catholics or any other body should not be allowed to participate in the distribution of that property. Was it not desirable to take measures to prevent that? He would ask the House, was it not most desirable to prevent this question being brought before the united Legislature, and decided in a manner opposed to the views which Parliament was known to entertain? Was it desirable that such a cause of contention should be sent forth to this country, from a colony which would probably then contain a population of 1,200,000 persons? He was sure the House must agree with him, when he said, that it was absolutely necessary that this question should be settled without further delay, and it would not be settled by means of a reference to the colonial Legislature; it would not be a settlement of the question if they were only to deal with it according to the notions common in this country; it must be arranged in a manner satisfactory to the inhabitants of Canada. A settlement in name, and not in reality, would be but a new source of discontent, a new source of dissension, and a new source of complaint against the Government of the mother country. It would be to no useful purpose that Parliament should impose statutory regulations in opposition to the declared feelings and wishes of the Canadians. These were the general reasons upon which the measure had been brought forward. The object was to effect a settlement by sale, and such a settlement as, by proving satisfactory, was likely to be permanent. With regard to details, he should only say, that when they went into committee, the hon. Baronet the Member for the University of Oxford, and other hon. Members, might bring forward any propositions they thought proper, but for his part he should be guided by the principles which he had already stated, and without due regard to which, he felt persuaded, that they could not hope to secure peace and concord.

Mr. *Pakington* considered the present measure to be a worse bill than that sent over by Mr. Poulett Thomson. It involved this great question—how far it was incumbent upon the Imperial Parliament to make provision for the maintenance of the Established Church in Canada? Upon the issue of the present proceeding depended this question—whether they would adopt means for the propagation of religion in Canada, not only presently, but prospectively, or whether they would abandon such a design altogether? Although he wished the Church of Scotland to be admitted to a share in those reserves, he still thought the Act of George 3rd did not admit of an interpretation favourable to that. The intention of the Act of 1791 most certainly was to make provision for the clergy of the Church of England, and that not only presently, but prospectively, and he denied that under the present bill adequate provision would be made for them. On the authority of the Bishop of Toronto he was enabled to state, that there were in the lower province 300 Roman Catholic clergymen, with annual incomes averaging about 275*l.* each, and amounting in the whole to 82,500*l.* The whole of the Romish endowments in Lower Canada did not fall short of 4,500,000*l.* He, therefore, never could consent to a bill which had a tendency to add to the endowments of the Romish Church. He objected to the immediate and forced sale of clergy reserve lands, and he objected to the investment of any funds arising from them in local securities, even though they did yield 6 per cent. His object in addressing the House, was to show, that on any possible construction of this bill, it would be a measure of positive injustice and insufficiency to the Church of England. The Bishop of Toronto had said the whole of this property would not fetch more than 600,000*l.*; Captain Pringle, on the other hand, had said it would fetch a million; but, even taking it at the latter high calculation, one-fourth of that amount, if it were invested in security at 6 per cent., would only produce 15,000*l.* per annum—a sum very inadequate for the purposes to which it was to be applied. The religious destitution at Montreal was extremely great; and in Upper Canada 100 clergymen more at the least were required, in addition to the present number, for the existing population. The population, too, of Canada, was daily increasing, and he would contend, that the Government were bound to provide adequate means of spiritual instruction; but that they could not do if they sold this property and distributed the proceeds in the manner laid down in this bill. According to the returns which had been made to this House of the religious denominations in Canada, he found that there were about 80,000 persons of the Church of England, but of the Church of Scotland there were not more than 40,000; and even if to the latter they added the seceders from the Scotch Church, and the Presbyterians of the United Synod of Upper Canada, the number would not amount to more than 70,000. He wished, therefore, to know on what principle of justice they were going to divide the proceeds of these lands, so as to give to the Scotch Church a share equal to that of the Established Church. He had stated these numbers from printed returns which had been furnished to the House of Commons. The residue of the proceeds he found was to be divided between the other religious bodies in Canada, including, as he supposed, Roman Catholics, Baptists, Universalists, Unitarians, Nonconformists, Irvingites, Liberators, and other such sects. [Mr. *V. Smith:* It was not intended to appropriate the residue to all those classes.] Why, it was so stated in the bill. What said the 7th clause?—

> "That, subject to the foregoing provisions, the residue of the said annual fund shall be applied for the support of the ministers or other religious teachers of the other religious bodies or denominations of Christians now receiving any stipend or allowance out of the revenues of Upper Canada or out of the casual and territorial revenues of the Crown in Upper Canada, and not before mentioned in this act, or otherwise generally for the support and maintenance of public worship or the erection of buildings for religious worship for the use of any denomination of Christians in such manner and proportion, and subject to such regulations and conditions, as the Governor, with the advice of his Executive Council, from time to time shall think fit."

But if all the classes he had mentioned were not to take a slice of the proceeds, then the number of recipients was diminished, and the injustice to the Established Church was the greater. He found, too, that there were not less than 35,000 persons who had openly sent in a return that they belonged to no religious persuasion whatsoever. Could there be anything more appalling than that? or could anything reflect more disgrace on her Majesty's Government than their having so long neglected to provide sufficient religious instruction in Canada? The colony ought to have a sufficiently endowed church, and he would never cease to demand that. He had a right to demand it. He for one had no objection to giving a portion of the proceeds to the Presbyterian church, but, in his opinion, it was monstrous to make the division without a due consideration of the number of the recipients. They never could hope for a just settlement of this question if they proceeded on so monstrous and unjust a principle as characterized the bill then before the House. He had heard it said by the hon. Member for Kilkenny that the air of America was unsuited to a church establishment. [Mr. *Hume:* So it is.] He wished to say nothing offensive of that hon. Member, but he must confess that a more absurd, ridiculous, and untenable doctrine he had never heard. As a proof of that, he begged to read to the House the opinion which was expressed by the legislature of Upper Canada in an address to the Crown on this subject only so far back as 1831. It was this:—

> "We fully trust that your Majesty and the Imperial Parliament, maintaining one of the first principles of the British Constitution, will preserve to the inhabitants of Upper Canada the advantages of an adequate and permanent provision for the support of public worship, being persuaded that by such means the best security will be afforded for the moral conduct of the people and the peace and happiness of society."

He might, perhaps, have spoken with warmth on this subject, but he confessed that he felt great indignation on it; and firmly believed that Canada would never tolerate this bill. He was, indeed, surprised that such a measure should have proceeded from a Government who were condemned by the country, who were outvoted, and unable to command a majority in this House, and who were afraid to appeal to the country. He objected to this bill in many respects; but he was nevertheless most anxious that the subject should not go back to Canada unsettled. It was on that account that he had refused to vote against this bill. He had all along consented to the distribution of the proceeds of these lands; but then he wished the sale to be made gradually and advantageously, and the money to be divided amongst those Christians whom he thought entitled to it; and that he really believed to be the principle of the bill, widely as he differed from its details. He should therefore vote for going into committee on it; but most decidedly on the third reading, if it were not altered more to his views, he should divide the House, although he might be the only person going out against it.

Mr. *Labouchere* in one respect would certainly endeavour not to follow the example of the hon. Gentleman who had just sat down, but would carefully abstain from departing from the question immediately before the House. Neither would enter into the discussion of party topics which were unconnected with the subject. If, as had been said by the right hon. Baronet, the Member for Tamworth, it were desirable that on all questions relating to colonial matters the House should avoid party excitement, it was, in his opinion, more essentially incumbent on them to do so, when they were discussing that part of the colonial policy upon which, however great might be the excitement in this House, it was as nothing compared with the excitement in the colonies—he meant that part which related to religious topics and religious establishments. He admitted, that it was most important that this question should be settled by the Imperial Parliament, and that it should not be sent back to be settled in the first session of the Legislature of the united provinces. There was, as he thought, but on thing more dangerous, and that was agreeing to a bill which they knew would meet with the most determined and resolute opposition of almost the whole body of the Canadians. The people of Canada had spoken no doubtful language on this subject; by frequent addresses through the Legislature of Upper Canada, by frequent petitions from themselves, they had shown that it was contrary to their wish that there should be established in that country a dominant church, which should excite the utmost opposition of a great body of the inhabitants. The hon. Member for Kilkenny, had expressed his surprise that such a bill as this should have come from Canada. Now, he (Mr. Labouchere) had had during the present year, and also last year, while he was connected with the Colonial Department, frequent opportunities of consulting persons of all political opinions, and of all clauses and professions in Canada, with regard to the feeling of that country on this subject, and he could truly say, that, without any exception, he had never met with any man who did not say—"When you come to consider the church question of Canada, for God's sake don't look on the subject with English but with Canadian eyes." It should not be imagined that the people of Canada looked upon the question with the same feelings as those with which it was looked upon here, and if hon. Members wished to see the British connexion with the colony preserved, they should avoid shocking the feelings of the Canadians on so important a subject as this. Undoubtedly the bill was in the nature of a compromise; it pleased neither of the extreme parties in the colony; it did not satisfy the high Church, nor did it satisfy those who were anxious to see the voluntary principle acted upon; but he would tell the House whom the measure pleased—it pleased the majority of reflecting people in Canada, and was considered by the great body of the members of the Church of England in the colony as a most excellent bargain, and as the best and most advantageous settlement of the question that could be obtained. As a member of the Church of England, and one who felt a sincere attachment to the Church, he must say, he never expected to see provisions so advantageous to it embodied in a bill coming from Canada, and he should be sorry to see the House lose the opportunity of carrying them into effect. Upon the principle of the bill, he believed the House was tolerably well agreed, and, as there would be no want of opportunities for discussing the details, he should enter into them at present very sparingly. With regard to the principle, he admitted that those who considered it to be our duty to establish the Church of England in all our colonial possessions as a matter of principle, and without reference to the situation of the colony, or the feelings of the inhabitants, he admitted that those who entertained this opinion were perfectly consistent in their opposition to this bill. He admitted that the hon. Baronet the Member for the University of Oxford would be perfectly consistent in opposing the second reading; but while he respected the consistency of the hon. Baronet, the hon. Baronet must give him credit for equal sincerity when he said, that while he thought this country had no more sacred duty than to promote the interests of religion, he considered at the same time that there was no worse mode of producing the result than by forcing upon a people a religious system to which they were opposed. The same question would arise with respect to every colony of the empire, and if the House sanctioned the principle of maintaining an exclusive and dominant Church Establishment in all our colonies it would shake our colonial empire to its foundation. Principles like this were not such as a mighty empire, consisting of people of various races, creeds, and opinions, could afford to act upon; they were such as no extensive empire had ever dared to act upon. They might be the doctrines *imperiosorum populorum,* but were of too narrow and restricted a nature to suit England. It had been stated that Mr. Fox had objected, in the course of the debates upon the Canada Government Bill, to the allotment of one seventh part of the lands for clergy reserves; but the House ought to have been reminded that Mr. Pitt's reply to the objection was, that this, like every other part of the measure, was open to future revision. In looking back at the debates upon that measure, in which Mr. Burke, Mr. Fox, and Mr. Pitt took part, and which took place in the midst of the excitement raised by the outbreak of the French revolution, one could not help being struck with the large, comprehensive, and statesmanlike views which were in those days taken of great public questions by the leading men of all parties. The alarm which Mr. Burke felt at the French revolution did not prevent him from saying, that in selecting a constitution for the people of Canada great attention was to be paid to that of America, because it was of importance that the people of Canada should have nothing to envy in the constitution of a country so near their own, and he proceeded to say, "Situation and circumstances are first to be considered

'Non mihi res sed me rebus subjungere conor.'"

Mr. Burke was not scared by the name of republicanism from looking at the position in which the colony was placed. He considered the way to bind a colony to the mother country was by conferring upon it substantial benefits, and not by any abstract reference to maxims which might be perfectly right and just in this country, where the people thought them to be so, but which it might be impossible to apply under totally different circumstances. One part of the speech of the hon. Member for Droitwich surprised him very much. He certainly considered it a very great recommendation to the present measure that it was not introduced upon any mere speculation as to what the feelings of the people of Canada upon the subject might be, but was the very measure which had been proposed by the colonial Legislature itself. The hon. Member, however, had referred to one point in which the present bill differed from the measure which had come from Canada. In the latter, the portion to be given to one church or another was to be determined by the number of the population who belonged to that church, to be ascertained by a census. This provision the hon. Member preferred to that of the present bill, by which the portion was fixed, and was not subject to vary; but, if the hon. Member consulted the highest authorities of the Church of England, he would find that the alteration was considered by them preferable to the original proposition, which would introduce a species of rivalry between different sects such as it was not desirable for the sake either of the civil or religious peace of the community to encourage. The hon. Member had also referred to the ordinance upon the subject of the seminary of St. Sulpice: but that ordinance did not, as the hon. Member seemed to suppose, give any property to the seminary which did not belong to it already; it merely made an arrangement with respect to the property previously possessed by this body, which afforded many advantages to the inhabitants of Montreal. An objection had been also made to the bill because it would put Roman Catholics upon the same footing as Protestants, but that was a principle which had been acted upon with the greatest advantage for some years in other colonies, and particularly in Australia, and it would be most inexpedient now to depart from it. During the late unfortunate disturbances in Canada he was assured by the highest authorities that not one Roman Catholic joined the rebels in Upper Canada, and that not one Irish Roman Catholic had joined the rebels in Lower Canada. Not only had this been the case, but their zeal and loyalty had been most fervent and exemplary during the insurrections. He should, therefore, be sorry to see the House take a course which would be considered as an insult by this class of her Majesty's subjects in the colony. The object of the bill was to take the subject into consideration with a view of coming to an arrangement upon large and liberal principles. He believed the House assented to the principle, and the details would be considered in committee.

Mr. *Estcourt* thought it was most unjust to say that those who opposed the measure had no desire to see the question settled. He wished very much to have the question settled, but he should be glad to see it settled upon principles of justice, and not of injustice. The present bill was unjust, because it would make those participators in the property of the clergy who had been purposely excluded when the property was granted. He believed this to be the main object and the most essential provision of the bill. The preamble of the bill was calculated to mislead the public as to its nature and effect. It purported merely to be "A Bill for the Sale of the Clergy Reserves in the province of Upper Canada, and for the distribution of the proceeds." This did not denote any intention to divert the clergy reserves from their original destination. The measure ought to be described as an act for the sale of the clergy reserves, and the appropriation of the proceeds to new and heretofore unauthorised purposes. Considering such to be the principle of the measure, he must vote against the second reading.

Mr. Sergeant *Jackson* said he should take the same course, considering the bill to be one for the spoliation of the Church in Canada. It might be perfectly justifiable to appropriate the clergy reserves to the Church of Scotland, which was the established church in one part of the empire, and to the Church of England, which was the Established Church in another; but it was nothing less than spoliation to take away the property of the Protestant clergy and appropriate it to all the heterogeneous descriptions of religion now professed in Canada. It was said, that if the Imperial Parliament did not pass this bill, the first step which the united legislature of Canada would take would be to despoil the Church. That would have been a good argument against passing the Canada Union Bill. He had abandoned his opposition to that measure, because he was told that her Majesty's Government had the best means of ascertaining the feelings of the people in the colony. But if he had been told by the Government that such would have been the result of the bill, he should never have consented to its passing. He did not think this statement, which was not made then, ought to induce the House now to consent to the measure before them.

Mr. *Pringle* objected to the principle of the bill, and stated that if the bill went into committee, he should bring forward objections to other parts of it.

Lord *Teignmouth* protested against the course of her Majesty's Government, and especially against the speech of his right hon. Friend (Mr. Labouchere). In contradiction of what his right hon. Friend had stated, Sir George Arthur, in his despatches, declared that the agitation had been confined to the newspapers. Much of this agitation had arisen from the course which, from first to last, had been pursued by her Majesty's Government, and none more than that part of it which related to the church and ecclesiastical matters, diverting the clergy reserves to all sects, and thus offering a bounty and encouragement to this sort of agitation. He protested against this measure being discussed, except with calmness and deliberation, and he deprecated the language of his right hon. Friend. A large number of Members on that (the opposition) side of the House were ready to make sacrifices on condition that a proper provision should be made for the Church of England, and he approved of the appropriation of a part to the Church of England and a part to the Church of Scotland. Further than this he would not go. If the bill should pass this House, it would not pass the House of Lords, nor would it receive the sanction of the country.

Mr. *Gladstone* said, he felt it necessary, as he did not propose to vote with some of his hon. Friends, to explain the grounds upon which he proposed to act. Before he went, however, into the general grounds, he should advert to one point—namely, the particular clause of the bill which had been referred to by the hon. Members for Stamford and for Selkirkshire, with reference to a new general assembly in Canada for administering the temporalities of the Presbytery. The noble Lord thought he had quite sufficiently answered the objection of the hon. Member when he assured the House that this assembly was not to alter the Westminter confession or interfere with the discipline of that body, but to regulate and distribute the shares which would accrue to the Presbyterian body, if this measure became law. He could not help still feeling a strong objection against this most anomalous body; for what would be the result of such a state of things? Strange things they had seen and would see, but a stranger thing than such an assembly, in bodily existence, they never could see. Here would be a body united by no tie or bond but the name of Presbyterians, who were to meet together and to regulate the distribution of the whole body's pecuniary affairs. It was a heterogeneous body, united merely in name, with essential differences in sentiment, which, by this clause of the noble Lord's bill, was to superintend and govern each other's pecuniary affairs. With regard to the general principles, the noble Lord had argued with great force that it was extremely desirable that the bill should pass, and not be returned to the colony and be a subject of angry discussion, and he concurred in this as a general principle. But considerations of this kind had their limits, and the right hon. Gentleman, in his speech, had admitted the true limits, when he said that there was only one thing which was worse than remitting the bill to the colonial Legislature, and that was, to pass a bill on principles not approved of in the colony. He (Mr. Gladstone) said, there was another thing still worse—that was, passing a bill which involved a breach of faith, which, even if it did meet with the present sense of the colony, could not, in the end, conduce to its permanent good. If such a bill was to be passed, and the colony were determined to have such a bill, he agreed that we were not to force British notions upon such a colony; but he protested against being called upon in Parliament, where British principles were acted upon, to abandon those principles, and if the colony would not adopt our principles, to be required to adopt theirs. He regretted to hear the exultation expressed by the noble Lord at the present state of feeling in the colony, and at the lukewarmness in favour of the Established Church. They were not about to settle the abstract principle of a Church establishment, but to deal with a difficulty which had arisen out of the act of 1791, and he would not be a party to a violent and compulsory abrogation of any claims which had arisen under the act of 1791, and if he took the explanation of the noble Lord as the principle of the bill, and inferred it to be a measure based upon an unlimited right to alienate what had been solemnly given, and which it was not pretended had been abused. He would not, however, vote against the second reading, because he thought no argument had been urged against the bill which would not have been sound and valid against the first reading, and when the bill was introduced. Such a compulsory abrogation would be neither more nor less than a breach of faith. What was the principle of this bill? It might fairly be inferred from its title and preamble. The bill was entitled

> "A bill to provide for the Sale of the Clergy Reserves in the province of Upper Canada, and for the distribution of the proceeds thereof."

No friend of the Church could fail to be aware that the sale of these reserves, at least to a considerable extent, would be wise and judicious; and then as to the distribution of the proceeds, that was the very thing that was contemplated by the act of 1791, although it had never taken effect. The preamble represented the principle of the bill in a very different light from the description given of it by the noble Lord the Secretary for the Colonies. The noble Lord spoke of it as an unsettlement of the act of 1791, and a re-settlement of the whole question on a totally different footing; but the preamble, which was more authoritative than any statement even of the noble Lord himself, merely declared it to be—

> "Expedient to provide for the final disposition of the lands called Clergy Reserves, in the province of Upper Canada, and for the appropriation of the yearly income arising or to arise therefrom, for the maintenance of religion, and the advancement of Christian knowledge within the said province."

Which strictly and literally did not call for any expression of hostility on the second reading of this bill. He was anxious that the bill for the union of the Canadas should have wholly left that House before they were called on to divide against this bill, which formed its natural and almost necessary concomitant. But there was another ground on which he hoped his hon. Friends would not press this motion to a division at present. It was understood that the Primate of England and the Bishop of London, with every disposition to lead to a settlement of this question, and acting on the part of the Church, had made a concession, for the sake of security and peace, of a part of those extreme rights to which they conceived she was entitled under the act of 1791. It was, therefore, most desirable that the House should be well informed as to the nature and circumstances of that offer before they divided against this bill. He not ask his hon. Friends to compromise any principle of property or religion, but he called on them not to take any step to prejudice the cause they had so much at heart by a premature division, when substantial unity of sentiment prevailed on that side of the House, and ample power to modify the measure in its further progress through the House.

Lord *J. Russell* begged to say a very few words in explanation. He utterly denied having spoken with anything like a feeling of exultation of the prevailing popular opinion in Canada upon this subject; on the contrary, he had upon a former occasion expressed his regret that principles which he considered more sound did not prevail in the colony. The only other point to which he would refer was the proposition which had been made by the Primate of England on this subject. He was quite ready, if it were wished, to state at once what that proposition was; he had it not, however, in writing, but he could pledge himself to its substantial accuracy. The proposition, as he understood it, was, that with respect to one fourth of the Clergy Reserves, which had been already sold and partly invested in this country, it should be considered to belong to the Church of England; and that of the remaining three-fourths, one half should also belong to the Church of England, and the other half to be appropriated to such parties as the Government might fix. There was this further proposition, that the whole belonging to the Church of England should be at the disposal of the Society for the Propagation of the Gospel in Foreign Parts; that it should be for the society to decide whether the whole or any part should be sold or kept in land, and the income only to be disposed of. Such was the proposition made on the part of the Church. He did say, that with the views of the most rev. Prelate, such a proposition showed a spirit of conciliation; but it appeared to him, that one of two courses should be taken—either to legislate in this country in such a manner as to produce contentment in Canada, or, if that were inconsistent with our principles, then to give to the Legislature of Canada an absolute right to legislate on the subject.

The House divided on the question, that the bill be read a second time:—Ayes 152 Noes 35: Majority 117.

List of the Ayes.

Acland, Sir T. D.
Adare, Viscount
Aglionby, H. A.
Aglionby, Major
Alston, R.
Baines, E.
Baring, right hon. F.T.
Barnard, E. G.
Barry, G. S.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blewett, R. J.
Bodkin, J. J.
Bowes, J.
Briscoe, J. L
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Burroughes, H. N.
Busfield, W.
Chalmers, P.
Clay, W.
Collier, J.
Crompton, Sir S.
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
D'Eyncourt, rt. hn. C.
Duke, Sir J.
Duncombe, hon. W.
Dundas, Sir R.
Eastnor, Viscount
Eliot, Lord
Elliot, hon. J. E.
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gaskell, J. Milnes
Gisborne, T.
Gladstone, W. E.
Gordon, R.
Gore, O. W.
Goulburn, rt. hon. H.
Grattan, H.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Henniker, Lord
Hindley, C.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hoskins, K.
Houldsworth, T.
Hume, J.
Humphrey, J.
Hurt, F.
Hutton, R.
Ingham, R.
James, W.
Jervis, J.
Lambton, H.
Langdale, hon. C.
Lister, E. C.
Lushington, C.
Macaulay, rt. hn. T.B.
Marshall, W.
Marsland, H.
Marsland, T.
Martin, T. B.
Mildmay, P. St. J.
Milnes, R. M.
Morris, D.
Nicholl, J.
O'Connell, D.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M
Packe, C. W.
Paget, F.
Pakington, J. S.
Parker, J.
Pechell, Captain
Pendarves, E. W. W.
Phillpotts, J.
Protheroe, E.
Pryme, G.
Pusey, P.
Rawdon, Colonel
Rice, E. R.
Rich, H.
Rickford, W.
Roche, W.
Rolleston, L.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheppard, T.
Smyth, Sir G. H.
Somers, J. P.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stewart, J.
Steuart, W. V.
Strutt, E.
Sugden, rt. hn. Sir E.
Talfourd, Sergeant
Tancred, H. W.

Teignmouth, Lord
Thornely, T.
Tufnell, H.
Turner, E.
Turner, W.
Vernon, G. H.
Vigors, N. A.
Wakley, T.
Warburton, H.
Ward, H. G.
White, A.
White, H.
Williams, W.
Williams, W. A.
Wilshire, W.
Wood, C.
Wood, G. W.
Wood, B.
Wrightson, W. B.
Wynn, rt. hn. C. W.
Yates, J. A.
Young, J.

TELLERS.

Maule, hon. F.
Smith, R. V.

List of the NOES.

Bailey, J. jun.
Bell, M.
Blennerhassett, A.
Buller, Sir J. Y.
Burr, H.
Courtenay, P.
Estcourt, T.
Filmer, Sir E.
Glynn, Sir S. R.
Gore, O. J. R.
Grant, Sir A. C.
Hepburn, Sir. T. B.
Hughes, W. B.
Jackson, Sergeant
Kemble, H.
Knight, H. G.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Lowther, hon. Colonel
Mackenzie, T.
Maunsell, T. P.
Monypenny, T. G.
Parker, R. T.
Pease, J.
Perceval, Colonel
Plumptre, J. P.
Richards, R.
Rushbrooke, Colonel
Rushout, G.
Shaw, right hon. F.
Sotheron, T. E.
Stanley, E.
Vere, Sir C. B.
Williams, R.

TELLERS.

Inglis, Sir R. H.
Pringle, A.

Bill read a second time.

ECCLESIASTICAL REVENUES.] On the motion for going into committee on the Ecclesiastical Duties and Revenues Bill,

Lord *John Russell* said, that he had to state to the House, that her Majesty had signified her gracious intention of founding two new professorships at Oxford University, the one for ecclesiastical history, and the other for Biblical criticism. It was his intention, in committee on the bill, to propose to endow them with two canonries of Christ Church.

House in Committee.

Clause 1 was agreed to.

Upon clause 2,

Lord *Eliot* complained, that from the existing peculiar situation of the Chapter of Exeter, the bill would have the effect of taking from it a much larger portion of its income, than from any other foundation. He proposed, therefore, the insertion of the name of this chapter into the clause.

Lord *John Russell* thought, that although there were some reasons for taking this step, they were not so strong, as to call for the adoption of the amendment; and he conceived, that if he were to consent to its being carried out, many other claims of a similar character might be made. In consideration of the great want of parochial funds, he thought he was bound to give up a great deal of the existing magnificence and splendour of cathedral establishments.

Mr. *S. Herbert* thought, that the error of the clause was, that it applied one sweeping provision to many cases, whose circumstances were different. As the discussion had come on somewhat unexpectedly, he suggested, that the clause should be postponed.

Lord *Teignmouth* proposed the insertion of the words "subject to the provisions hereinafter contained," after the words, "And be it further enacted," at the commencement of the clause.

Amendment negatived.

House resumed.

Chairman reported progress.—Committee to sit again.

GLASS DUTIES BILL.] Upon moving the order of the Day, on the Glass Duties Bill,

Sir *R. Peel* said, he did not know what was the object of this bill, but he had to state, that there was a very general impression amongst scientific persons that the excise regulations with respect to glass, prevented an improvement in the manufacture of that article which other countries were able to make. He was told, that every time that glass was remelted, it was subject to a duty. This prevented experiments being made for scientific purposes, and from their competing with France, Switzerland, and other countries. The right hon. Gentleman, he was sure, would concur, that this was a matter of very great importance. This country, which depended so much upon its navigation, ought to be able to supply itself with articles of glass of British manufacture, and not to seek for glass made in foreign countries. He knew, that they ought not to permit that improvements in science should give an opportunity for fraud being practised, but he was sure, that through the aid of a commission (not attended with expense), but composed of two scientific persons, and having the aid of two Excise officers, it would be possible to devise a means by which the Excise regulations might be so modified as to permit experiments for the purpose of making improvements in glass.

The *Chancellor of the Exchequer* agreed that the subject referred to by the right hon. Baronet, was of the greatest importance, and deserving of every attention; but probably it had not come under the right hon. Baronet's observation, that he had, the year before last, brought in clauses in the Glass Duties Bill for the purpose of giving facilities for trying experiments in optical improvements, which, he had every reason to believe, was that to which the right hon. Baronet referred. The Excise had carried these clauses into execution for the purpose of meeting the views of parties interested in the matter; and he had heard of no complaint since the passing of the bill.

Mr. *Wallace* agreed in the sentiments expressed by the right hon. Baronet, and the right hon. the Chancellor of the Exchequer. He only desired to hear the same sentiments expressed with regard to the Corn-laws.

House in Committee.—Clauses agreed to.

House resumed.

Report received.

HOUSE OF LORDS,

Tuesday, June 16, 1840.

MINUTES.] Bills. Read a third time:—Customs Duties Farnham Rectory; Chapels.

Petitions presented. By the Earl of Aberdeen, from the Presbyteries of Perth, Dron, and other places, in favour of his Church of Scotland Benefices Bill.—By Lord Ashburton, from Southampton, against banishing Criminals to England from Jersey and Guernsey.—By Lord Hatherton, from Walsall, against Church Extension.—By the Earl of Kinnoul, from Inhabitants of Perth, for the Church of Scotland Benefices Bill.—By the Earl of Gosford, from Armagh, and other places in Ireland, in favour of Non-Intrusion.

CHURCH OF SCOTLAND.] The Earl of *Aberdeen* having presented several petitions from different parts of Scotland in favour of the Church of Scotland Bill, proceeded to say, that having occupied a very considerable portion of their Lordships' time, when, on a former evening, he laid on their Lordships' table the measure, the second reading of which he was then about to move, he did not feel that it was necessary for him to enter at length into all the details of the bill or to go minutely into the whole of the subject. There were, however, some points of consideration to which he was desirous to call the attention of their Lordships, particularly as they had reference to the special reasons which induced him to call on their Lordships to give their sanction to the principle of this measure. And here he might be allowed to say, that, after the most mature deliberation and consideration which he could give to this subject, it was his most decided conviction that if the question was to be amicably settled, if those dissensions which at present unhappily prevailed were to be terminated in a manner fairly and truly consistent with the preservation of the national Church, it must be by the adoption of some such measure as that which he now proposed. He felt, he confessed, the utmost satisfaction in knowing that this measure had been received with very great favour by a large body of the clergy of Scotland—he might say, by many of the most learned and eminent of the clergy, as well as by a vast number of the most enlightened and respectable individuals of all classes. Under such circumstances, it would be extraordinary if he did not feel the most urgent desire to urge the question forward, and to endeavour to provide for its amicable termination. It must, however, be admitted, that the General Assembly had taken a less favourable view of this measure than that which he had described others to have done; and he was ready to allow that the opinion of that body was entitled to be considered with great respect. When on a former evening the noble Marquess (Breadalbane) had asked him whether he intended to persevere in carrying forward this measure, the noble Marquess stated that he had been informed by an hon. Gentleman that a rev. divine, a member of the General Assembly, had stated that a declaration had been made, that, in the event of their being in the General Assembly a vote adverse to this bill, he would at once, and without further observation, abandon it. That any hon. Gentleman might entertain an opinion that he would take the first opportunity of getting out of the irksome duty which he had imposed upon himself, was not surprising. That such an opinion, therefore, had been given he could easily conceive. But he begged to assure the noble Marquess that neither directly nor indirectly, had he authorised any person to make any such declaration. With regard to the decision of the General Assembly, he was desirous to pay to that decision all proper respect; but when their Lordships looked back and saw the nature of the objections which the Assembly had made, it would be found that those objections were such as, he was perfectly confident, none of their Lordships would feel it right to sustain. Their Lordships, he was aware, might have objections of their own—strong and numerous objections; but of this he was convinced, that no man in that House would stand forward and support the objections urged in the General Assembly. And when he beheld the monstrous, the unheard-of pretensions put forward by the Assembly on this subject, he felt himself more than ever determined to call on their Lordships to give their sanction to the principle of this measure, by agreeing to its being read a second time, and thus repudiating those monstrous and extravagant pretensions which the General Assembly had insisted on. Some time since, when reference was made to a legislative interference on this question, a noble and learned Lord (Brougham), without denying the right of the Legislature to interfere, expressed his opinion that, in the first instance, the law as it stood should be duly executed and obeyed. This was a just principle; and it was natural for the noble and learned Lord, more anxiously even than most of their Lordships to call for a due and strict execution of the law in the first instance. It was a general sentiment in which he entirely concurred, and the force of which no doubt their Lordships felt. But when he recollected that the party in this case was the Established Church of Scotland —when he recollected that the error into which they had fallen was an error committed in good faith, founded on the assumption of powers which they conceived they had a right to exercise, and believing confidently that they were justified in that assumption—when, also, he recollected that the judgment of that House rendered their act—the act of the Assembly—null and void—and when, consequently, that act had no longer any legal existence — therefore he thought that, considering all these points, they might wholly pass it over, and, by agreeing to this measure, practically exclude those monstrous pretensions which none of their Lordships, he believed, would accede to on the part of the Established Church. It was only by a conciliatory course that they could possibly put an end to this long-protracted discussion. He had thought that in drawing up this bill he had adopted a course of this description—a course which would be calculated to terminate these evils, and at the same time to uphold that respect which was due to the Established Church of Scotland. This measure had been described as one which would dethrone the Redeemer from his seat, would establish a despotic interference on the part of the State unheard of in the worst of times. —in short, as one which would unchristianize the parishes, and trample on the rights of the communicants. All this language being interpreted meant that the measure was hostile to the spiritual independence and proper jurisdiction of the Church. Now, this was a position which to most of their Lordships must appear somewhat startling. The shortest way to answer the objections was to call their Lordships' attention to the provisons of the bill. Having been desirous to give effect to the principle of non-intrusion, his object was to give the greatest extension to the exercise of a discretion on the part of the people in objecting to the presentees offered to them in the different parishes, and also the greatest latitude to the church courts in judging of those objections. The bill provided that:—

"In the event of the people entertaining any objection of any kind whatever to the individual so presented, or against his settlement in that particular parish, the Presbytery shall receive the said objection either then or at their next meeting, to be without delay considered or disposed of."

This included not only objections to the presentee's doctrine, but objections of any description whatever:—

"Due regard being had to the whole circumstances of the parish, and the spiritual welfare and edification of the people."

It also enacted that the special grounds of disqualification should be stated. Now, these were the terms of the bill; and he wished that any noble Lord would inform him how he could extend the privilege here given to the people without abrogating patronage altogether. He was quite prepared to give the greatest possible extension to the right of the people to make every possible objection, fully concurring in the opinion of Sir H. Moncrieff, that "it is the part of the people to become objectors, and of the Presbytery to decide." There were, undoubtedly, cases where it might be improper to press a presentee upon a parish, though the objection urged to his reception might be entirely disconnected with religious grounds. Thus, for instance, the Rev. Dr. M'Leod had observed lately in the General Assembly, that he might happen to be appointed a minister in one of the Western Isles, inhabited entirely by Macdonalds. Now, there had some time since been a massacre of these Macdonalds by the clan M'Leod, and he felt convinced that his nomination would be consequently viewed with such abhorrence that it would be impossible for him to hope to exercise his ministry with any advantage. This strongly illustrated the necessity of giving the discretion which was provided by this bill. The patrons were the only persons who had the least shadow of pretext for a complaint. Undoubtedly a considerable restraint would be imposed on the exercise of patronage by this bill—on the exercise of patronage not according to law, but according to the practice of the last century. Yet he found it put forth in certain quarters for popular effect, that the bill was lordly and unrestricted, and high-handed, and utterly negligent of the rights of the people. He would add, that though the bill imposed this restriction upon the long acknowledged privilege of patrons, not the smallest indication had been given on their part, in any quarter, to object to this provision. Several noble Lords, enjoying the largest patronage of livings in Scotland, had one after another arisen in their Lordships' House and expressed their entire approbation of the measure. From every part of the country he had received information of a similar tendency. His bill would very much resemble in its operation that which was called the "Revolution settlement" under King William. Though the bill would involve a restriction of the existing patronage, yet he did not propose any compensation; for the provisions of the bill were perfectly in accordance with the existing law of the land. The resolutions recently adopted by the General Assembly were exceedingly vague and difficult to be understood. The first of them stated, that the civil power had no right to determine the qualifications and conditions which the church should require. This was undoubtedly true as an abstract proposition. But their Lordships had already negatived one of the conditions which they pronounced to be indispensable. The Assembly maintained, that the dissent of the majority of the communicants should be an absolute barrier to the reception of any gentleman presented to a benefice, and they maintained that "the civil power should not interfere with that or any other condition which they had established." Here, then, was a direct opposition to their Lordships' decision, and to the law of the land. Suppose that their Lordships assented, and that the civil power did not interfere; then they would say, that "they had ascertained the mind of Christ,"—he used their own words, though he might deem them somewhat profane. Would their Lordships give them the veto? What would follow then? Why, that they would "ascertain the mind of Christ," that there should be no patrons; and the next step would be that no person should be appointed who was not recommended by the Presbytery. This was what the Church of Scotland had already attempted at an early period of its history; but the Legislature had firmly resisted the attempt. If their Lordships now gave way, the former procedure would be shortly revived. If patronage were to be abolished, let their Lordships do it themselves. Let not the General Assembly do it in an indirect and underhand way. The principles which the Assembly were now so anxious to establish would inevitably lead to that result. In their second resolution they stated, that while they maintained the great fundamental principle of non-intrusion, still they would take into consideration any reasonable modifications which might be proposed to them. This resolution was also very vaguely worded. If they wished for an alteration of the law, let them come there as petitioners, and tell their Lordships in that capacity what they wanted, instead of dictating terms. There was no grappling with vague generalities, such as these resolutions contained; and the law had already pronounced the claims which they made to be invalid, beyond their powers, null, and of no effect. The third resolution applied to the present bill, and was equally involved and difficult of comprehension as the others. This resolution was incorrect in point of fact. The bill did not withhold the exercise of judicial functions. The Assembly, however, attached a different meaning to the words "judicial functions" from that which he did. They meant the arbitrary consent of the people; he meant weighing the different reasons and objections urged by the people, and deciding according to the merits of each particular case. One of the most influential members of the Church of Scotland had expressed his regret, that the clause enabling the clergy to pay due regard to the circumstances of the parish had not received a slight modification in its wording, because, had it been put positively, and not parenthetically,

> "Under cover of that they might have given full effect to the dissent of the communicants in every case."

Now, he (Lord Aberdeen) did not wish to stultify himself so far as to give effect to the veto in one form, and deny it in another. He had been perfectly frank with them, and had always said that he knew their object was to give effect to the veto by some means or another, while his object was to prevent it. Their last resolution stated that the bill did not protect them from coercion and control whenever they might give effect to their solemn conviction. No, it certainly did not, nor was this intended. Although he had every desire to secure the spiritual independence of the church courts, he would never preclude the civil power from taking cognizance of acts done in an excess of injustice and oppression. This complaint, therefore, if it meant that they were prevented from doing all that they liked, was well founded. But when legal interposition was resorted to only to prevent an undue and oppressive exercise of power—a power which did not belong to them—then, he for one would never exclude the civil courts. He had, however, dwelt too long on objections with which he was sure none of their Lordships would sympathize. He now came to another class of objections to this bill, which he was informed existed in quarters for which he could only entertain the greatest respect. It was said, that this bill tended to curtail too far the powers of the church courts. Now, he must confess, that if he had any misgiving as to any portion of this measure, it was that he had given too great powers to the church courts. The powers which were given were on the verge of what was safe for the constitution. But, although the church courts could deal with all objections, still if they rejected a presentee, they must give their reasons why they had pronounced him not qualified. "Qualification" was the term which the statute prescribed, and so long as the courts were called upon to find a presentee not qualified, there would be a safeguard against abuse of the powers with which they were invested. He had on a former occasion told their Lordships, that in the framing of this measure he had had the advantage of the most eminent professional advice. Those high professional authorities had informed him that there was nothing in this bill contrary to the existing statutes to which he had before alluded, and that under the statute by which the church courts were constituted, those courts might still exercise all the powers with which they were invested. Since that time that opinion had been confirmed by the highest authority on the bench, as well as by one of the most distinguished persons who had lately adorned that bench. He hoped he might therefore be excused, if he did not bow at once to the authority of the noble Lord on the woolsack, and of the noble and learned Lord opposite, should their opinions be different from that which he had stated. On the contrary, with such high authorities in his favour, he trusted he might hope for the concurrence of those two noble and learned Lords in the measure which he had brought forward. The opinion which he had alluded to was founded, he believed, on the right given to the Church in the matter of collation. Collation comprised the whole proceeding of ordination and induction, and the objections of the people to a presentee formed part of the trial and examination which the Legislature had committed to the Church, and which was termed collation. He alluded to this simply because he considered it a complete answer to the objections to this measure which he had just stated to their Lordships. He would not trouble their Lordships further with these details. In the present state of this important question the necessity for the interference of the Legislature had not diminished since the meeting of the General Assembly; on the contrary, it had increased. Since the Assembly had met the veto had been confirmed. The Assembly had last year continued the Veto Act for another year, and this year, in contempt of their Lordships' judgment and decision, they had again for another year continued that illegal act. It was true they did not profess to give full effect to that measure, but it was to be enforced so far as to keep many parishes vacant. Several parishes were already vacant, and many more would soon become vacant, and this would go on if no step were taken by the Legislature for the settlement of this question. In addition to other reasons for the interference of the Legislature, was the condition of the seven rev. gentlemen of one of the northern Presbyteries. Those seven gentlemen were still suspended, and sentence had been pronounced, that if before the month of August they did not retract and consent to disobey the law, they would be proceeded against by the committee of Assembly and be then deposed. Let their Lordships recollect that the only accusation against those gentlemen was, that they had obeyed the law. Their character and their conduct were above reproach; their lives were unexceptionable, but, unfortunately for themselves, they had determined to obey the laws of their country. He had a petition in his possession from those rev. gentlemen, which he would present in the course of the present week. He should not, therefore, enter further upon the subject at that time, as he would when he presented the petition avail himself of that opportunity to call their Lordships' attention to this most crying case of injustice. He had mentioned the matter only to justify himself in asking their Lordships to consent to the second reading of this bill, as the measure upon their Lordships' table would put an end to the injustice to which he had alluded. It might, however, be said, that even were this bill passed into a law, it would not be obeyed; but for himself he could see no reason for coming to such a conclusion. It was true that a decision of that House had been disregarded, but still a judgment of their Lordships was not an Act of Parliament; and his opinion was, that an act of the Legislature would not meet with disobedience. Therefore, without going at length into the Strathbogie case, he mentioned it now simply to show the urgent cause which existed for the interference of the Legislature. There was much in the present state of the Church of Scotland which called for mature consideration, and which required to be settled; but the great grievance which pressed upon his mind, and which called loudly for the interference of the Legislature, was the cruel condition in which these seven reverend gentlemen were placed, who had been guilty of no offence, and who now came to their Lordships to ask for that redress, which would be afforded by this bill. In his opinion it laid down a mode of proceeding which would effectually settle all doubts, and remove all the difficulties which at present existed. He would again state, that he never could imagine or contemplate deliberate disobedience to an Act of Parliament by the authorities of the Church of Scotland, and he therefore hoped their Lordships would consent to this measure, which he sincerely believed was calculated to put an end to those unhappy disputes. He had said, that the case had become more urgent, and that the necessity for interference on the part of the Legislature had become stronger since the meeting of the Assembly, and under these circumstances he would once again ask the noble Viscount, at the head of the Government, what he intended to do if he proposed to resist the further progress of this measure? The noble Viscount had given him notice that he would object to the further progress of this bill, but upon what grounds the noble Viscount had adopted that resolution he was at a loss to conjecture. He hoped the noble Viscount would not exercise his mere veto upon this occasion, and that he would consent to state fully the views which he entertained upon this most important subject, and the reasons which induced him to oppose this bill. Would the noble Viscount adopt the language of the noble and learned Lord opposite (Lord Brougham)? Would he say, let the law as it existed be duly executed and obeyed before the Legislature interfered? If the noble Lord adopted that language and that opinion, then he would say to the noble Viscount, let him take the proper steps to carry the existing law into effect. By the Westminster confession of faith, which every Member of the Assembly had assented to and adopted, the civil magistrate might take order to preserve the peace and unity of the Church. The interference of the noble Viscount was, therefore, not excluded; and if the noble Lord thought, that the existing law ought to be fully carried into effect before the Legislature interfered, then let him take some steps for carrying that law into operation and to enforce obedience to it. But if that was not the opinion of the noble Viscount, what other course did he intend to pursue? Did the noble Lord mean, that things should continue in their present state without a step being taken for the settlement of this important question, either on the part of the Government or of the Legislature? If their Lordships looked at the report of the non-intrusion committee, they would find allusion made to a correspondence with the noble Viscount. The Members of that committee mentioned that the Veto Act and the act with respect to calls (so we understood the noble Earl) had been submitted by them to her Majesty's Government; but they added, that after eight months of postponement, a few weeks ago a communication had been made to them, that while the Government did not feel much difficulty as to the measure which they might be disposed to introduce, yet that the Government could not hope to carry such a measure as they might propose through the Legislature, and more particularly through the House of Lords; and it was added, that Ministers must, therefore, postpone the introduction of any measure on this important subject to a more favourable opportunity. It was, however, further stated in the report, that the Government had not abandoned the intention of bringing forward a legislative measure. Now what right, he would ask, had the noble Viscount to state, that any measure proposed by the Government would not pass their Lordships' House. There could be no good ground for such a statement, and for himself he could say, that he had never considered this as a party question. He had offered, and he would still offer, to support any measure which the noble Viscount brought forward, provided it was consistent with the law of the land, and with the constitution of the Church of Scotland. Indeed, he was sure that there was no good ground for the statement of the noble Viscount, that any measure of the Government relative to this subject would be objected to by their Lordships. This was not treating their Lordships in a manner becoming the noble Viscount. [Viscount *Melbourne.*—I do not remember it. Does the report mention me?] No. The term is "the Government;" and his noble Friend must excuse him if he looked to him as the Government. At all events the report referred to the noble Viscount. [Viscount *Melbourne.*—I did not say anything of the kind.] The committee referred to a meeting with Viscount Melbourne, and that person, he presumed, was the noble Viscount. In that portion of the report it was stated, that Viscount Melbourne was anxious to see this question settled, and it was added that the noble Lord had expressed his approbation of the measures of the committee, including the Veto Act. [Viscount *Melbourne.*—I do not remember having done so.] He would fairly tell the noble Viscount that he did not believe the statement contained in the report. In the report of the communications which the committee had had with him, they had been so unscrupulous in their statements, that it was probable they had not dealt more honestly with the noble Viscount. The statement in the report was true, or it was not, and he must say that he had given the noble Viscount credit for not having acted the part which the committee stated he had done. Still it was clear that the noble Viscount must do something; and what, he would ask, was he prepared to do? In the commencement of the session the noble Viscount had declared that legislative interference was necessary, and the noble Viscount had even gone so far as to direct the law officers of the Crown to prepare a measure for the settlement of this most important question. The noble Lord, he admitted, had acted wisely in refusing the measures proposed by the non-intrusion committee, and still more wisely in rejecting the measure of his own law officers, for that measure was certainly the worst of the three. But the noble Viscount must do something. The noble Viscount could not continue to sit chuckling inwardly at the confusion and distraction which pervaded Scotland in reference to this subject. The noble Viscount would surely not exclaim with the old anarch—

> "Havoc, and spoil, and ruin are my gain."

The noble Viscount could not sit still and do nothing, while Scotland was distracted from one end to the other on this engrossing question. If, then, the noble Viscount intended to oppose this measure, what did he further intend to do? What were the noble Viscount's objections to this measure? He could assure the noble Viscount that he had been actuated by no party motives in the framing of this bill. It was only after the noble Viscount had refused to take any steps for the settlement of this question that he had been induced to bring forward a measure, which, in his humble judgment, was calculated to meet the difficulties of the case, and to calm the animosities and heal the dissensions which had been created. In doing so he had been influenced by no party feelings, and he had only brought forward this measure from a sincere desire to be of use to his country. He had only now, before he sat down, to warn the noble Viscount of what was about to take place. If no steps were taken for the settlement of this question before the month of August, the condition of the seven rev. gentlemen to whom he had alluded would not only become a disgrace to the country, but a great and lamentable schism would take place in the Church. A large body of ministers would then announce their intention not to obey the orders of the General Assembly. He, therefore, entreated the noble Viscount to weigh well the whole matter, and no longer delay to take some steps for the settlement of these unhappy disputes. The noble Earl concluded by moving that the bill be read a second time.

The Marquess of *Breadalbane* said, holding the opinions which he did on this important question, and feeling deeply convinced that the people of Scotland would be as much dissatisfied with this bill as the General Assembly had been, he could not but ask their Lordships to pause before consenting to its second reading. He was ready to acknowledge the deep attachment of the noble Earl opposite to the Church of Scotland. He was also ready to bear his testimony to the singleness of purpose and the uprightness of the motives which had induced the noble Earl to bring forward this measure. But whilst he said this much, he must also add, that he congratulated the Church and the people of Scotland that the noble Earl had given his assent to the principle of non-intrusion, and to the principle of the independence of the Church of Scotland. He was glad the noble Earl had given his assent to those principles. But whilst the noble Lord asserted those principles as the fundamental principles of the Presbyterian establishment, yet in their application, as evinced in the bill before their Lordships, there was a wide difference between him and the noble Earl. It was on the principles he had alluded to that this measure had been introduced, yet when its details were examined, he was, he confessed, at a loss to discover that they were embodied in the bill. Such, he believed, was also the opinion of a majority of the General Assembly, when that body came to adopt the resolutions to which the noble Earl had called their Lordships' attention. For himself, he was of opinion that if they did not go to the root of the evil, their Lordships would only lend themselves to a meddling course of legislation, which he was sure could not be productive of satisfaction to any party. The noble Earl opposite in the course of the speech which he first addressed to their Lordships entered into a long detail of the history of the Presbyterian Church of Scotland. He told them it was a Church which had ever been at variance with civil power, but which had been constantly raised and supported by the people of that country. With equal truth and eloquence had the noble Earl entered into a history of its doctrines; for he could assure their Lordships, that of all establishments, be they what they might, the Church of Scotland was that which had most scrupulously and successfully preserved its simplicity and purity. No doubt, a great and aggravated evil at present existed in Scotland, having its origin in the zeal and sincerity of that Church, and in its anxiety to do what it had long endeavoured to do, what it considered was consistent with its true principles, its purity, and its integrity to do, and what would be agreeable to the feelings and opinions of the people—namely, to apply and act upon the principle of non-intrusion respecting the induction of its ministers into the parishes of the country. It was by doing that which was considered as a spiritual act that it had incurred the displeasure of the civil courts, and involved itself with the courts of law. He believed, however, that the courts of judicature in Scotland, had heretofore considered it as a spiritual act. The Court of Sessions, by two unanimous decisions in 1748 and 1749, had admitted:—

> "The power of the Church exclusively to refuse as incompetent any application made to them by different patrons to prevent presbyteries from supplying vacant parishes, because their doing so, would, in their opinion, be interfering with the power of ordination, and with the internal authority of the Church, with which they had nothing to do, and that if an individual were inducted who had no right to

be inducted, all they could do, was to withhold the fruits of the benefice."

The Church merely wished to assert its own right to prevent any interference from taking place with regard to its spiritual concerns—a right it considered itself entitled to—because, as the noble Earl had told them, it acknowledged no civil head; unlike the Church of England, it acknowledged not the Crown as the head of the Church, it looked only to Christ and to the Bible for its authority and belief. To these views, he, as a Presbyterian, must say, that he most implicitly and cordially assented. He felt, that the pastors of the present Presbyterian Church could take no other course than that of deferring conscientiously to the principles of their faith, which taught them to believe, that the civil power had no right of interference with the induction of its ministers. Having thus briefly referred to this part of the subject, he would ask their Lordships seriously and solemnly to pause and deliberate upon this great and important question, and not rashly to do what would undoubtedly be considered as a heavy blow and great discouragement to the Church of Scotland, and what would as certainly lead to the alienation of the people, from the Church which, although it might be established by law, would not be established in the hearts and affections of its people. He, therefore, implored their Lordships to consider whether they could not devise some other means for the settlement of this question, than rashly and hastily adopting such a measure as was then before them, without being cognizant of all the minute details of the question—a question made up of details, and the constitution of the Church of Scotland, consisting of a great variety of acts, not only of Parliament, but of the Assembly. He would ask whether a committee of inquiry or a commission could not be applied to this question? In his opinion it could, and most usefully, as the question would thereby be investigated in all its bearings; the true state of it would be known, and their Lordships would be showing a desire not to come to any decision upon it without being fully acquainted with its details. He would also ask the holy Lords who sat on the bench below, whether or not they were prepared to stand forward and defend the pastors of the Church of Scotland, in doing what they truly and conscientiously believed to be in accordance with the principles of their faith? He would wish those rev. and right rev. Prelates to consider that the power which sought to encroach upon the rights of the Scotch Church, was one which might also encroach upon the Church of England. Having thus briefly and imperfectly explained his feelings on the subject, he would conclude by moving, that the bill of the noble Earl be read a second time that day six months.

The question having been put,

The Earl of *Rosebery* said, that hitherto, when this subject was introduced upon the presentation of petitions, he had abstained from delivering his sentiments upon it, not that he did not think that incidental conversations upon many subjects might be attended with very useful effects, but because he had felt that upon this particular subject it might have been not only inconvenient but detrimental to have addressed the House. He had refrained from delivering his sentiments upon these occasions, because not being a member of the Church of Scotland, he apprehended he might have risen to address their Lordships on a question which he did not perfectly understand. On the present occasion, however, he considered it impossible for any one who had ever taken a part, however humble, in the debates of that House, not to state his sentiments upon one of the most momentous questions that affected the country to which he particularly belonged. He was the more encouraged to take this course by the circumstance, that although he was an avowed and attached member of the Church of England, he was nevertheless one of those who thought that the Presbyterian religion was as much a branch of the Christian Church as the religion which he himself professed; and although that might be considered by some individuals as somewhat latitudinarian, yet it was a principle which he sincerely professed, and which he thought most reconcileable with the true doctrines of Christianity and Protestantism. With these feelings he would proceed to offer his opinion of the noble Earl's bill. The noble Earl on a former occasion had stated, that a great difference existed between the Presbyterian Church in Scotland and in this country or in Ireland; that in Scotland it was an established church, and should obey the law by which it was established. But the Church of Scotland considered that in all matters exclusively spiritual their jurisdiction was above the jurisdiction of all civil tribunals, and they included in the word "spiritual" matters not only relating to ordination, but to the induction and settlement of the minister. He did not know whether this were right or wrong. He did not feel himself competent to state any decisive opinion upon that point, particularly as he was not a member of the Church which assumed that power. He was ready to admit, that if the power were carried to an unlimited extent, it might lead to serious evils in its application; but he must say that if the General Assembly were of opinion conscientiously that such was the fundamental principle of their Church, he could not think that they were wrong in asserting that opinion, and, if they could, abiding by it. He had never entertained a doubt as to the correctness of his judgment in supposing that his noble Friend was the fittest person, from his prudence, temper, discretion, and acquaintance with the subject, to prepare a measure which would be likely to surmount the difficulty of this question, and bring it to a happy issue, until he had seen the bill which his noble Friend had brought forward in order to accomplish that object. The question was not, in considering this bill, whether its provisions would be an excellent scheme as a fundamental law for the Church of Scotland—that was a question with which they had at present nothing to do. The question was, a collision having taken place between the civil and ecclesiastical authorities in Scotland, which it was desirable to settle by the most judicious and by a permanent arrangement, whether the bill of the noble Earl were likely, from the nature of its provisions, to accomplish that object. He objected to his noble Friend's bill, in the first place, because he did not think, should it pass, that there would be the slightest chance of its bringing about any one of those objects which his noble Friend professed to have in view; and he objected to it, secondly, because he thought that it was deceptive in its title and character, in describing itself as a declaratory act, when it was in fact a new, though inefficient, law, for the purpose for which Parliament was called on to pass it. It introduced a great many very important changes in the existing law, which a declaratory act could not do. If there were any doubt upon the point, it was only necessary to look to the principle upon which judgment was pronounced in the Auchterarder case, in order to satisfy their Lordships that this bill did create, and to a great extent, larger powers than the existing law of the land conferred upon the church authorities, or upon the congregations at large. The bill of his noble Friend gave to every individual in every congregation power to make every objection of every sort or kind to the admission of clergymen. The principle laid down by the judgment of the House regarding the admission of ministers, was, that no objection could be raised against their admission, unless the Presbytery should find that in one of three particular respects, life, manners, or literature, the minister was not, upon trial, qualified for the office for which he was presented. The bill professed also to be a bill to remove doubts. Now he could not ascertain what these doubts were, for he did not see in the bill any provisions for removing doubts; but this he would say, that if it passed into a law, there would be many doubts regarding the manner in which the Presbyteries were to act. It appeared to him that no two presbyteries would agree as to what did or did not form a sufficient reason for non-intrusion, and, in his opinion, if the object was to do justice, the presbytery ought not to negative the induction of a presentee, unless just cause were shewn in support of the exception. It was to be presumed that the bill was introduced for the purpose of putting an end to existing dissensions, but in his opinion it would not be productive of that effect; on the contrary, it would rather tend to create new difficulties, by placing an arbitrary power in the Presbytery. It should be remembered that the people never claimed the right of interference with respect to ordinations, which the noble Earl in his opening speech had stated, that the Church by the Veto Act most improperly yielded to them. They only objected to the introduction of a clergyman into any particular parish without the consent of the congregation, and this was a distinction which ought to be kept closely in view through the discussion of the question. With regard to this question he admitted, that he was for a long time of opinion that the Government should introduce some measure upon the subject to put an end to the unfortunate divisions which existed, and he had made some suggestions to that effect to his noble Friend below him (Viscount Melbourne): but when he saw that the measure of the noble Earl now before their Lordships, supported as it was by so many members of that House, and by so important a minority of the General Assembly of the church of Scotland—when he looked at this on the one hand, and when he saw the proceedings in the General Assembly on the other, he found his own opinion on the subject was incorrect, and that her Majesty's Government were justified in abstaining from taking up the question until they could see their way more clearly with respect to it. He said this because he thought the only object of legislative enactments ought to be, to endeavour to do away with the differences and discontents which had unhappily so long existed upon the subject. The bill of the noble Earl, however, appeared to be inoperative for the purpose of bringing to a satisfactory conclusion the question which was involved in it. Nay, it would not have even a neutral effect, for by being inoperative it would tend to widen the existing dissatisfaction. It was probable that the noble Earl did not mean to carry his bill through during the present session, but only wished to procure their Lordships' assent to the principle of the bill by having it read a second time. He was not, perhaps, warranted in assuming that such was the intention of the noble Earl; but if it were, nothing could be more prejudicial to the adjustment of the question, for it would be productive of the same dissatisfaction as would be the result of the passing of the bill, and would create great indignation in the representative body of the Church, if not amongst the whole of the people in connexion with the Church of Scotland. Now this was a state of things which it was desirable to avoid with the utmost caution, as it was with that body their Lordships would have ultimately to treat in endeavouring to procure a satisfactory result of this question. He would only now add that he believed a great majority of those among the people of Scotland, belonging to the Established Church were in favour of the proceedings of the General Assembly, though of course, the Seceders who had become voluntaries disapproved, looking on with satisfaction at a conflict injurious, if not fatal to the Establishment. The majority of the lay members in the Assembly holding the same sentiments as the clerical, furnished strong evidence of this.

The Earl of *Camperdown* said, he was particularly anxious to express his opinion upon the measure, though it was his intention to support the amendment of the noble Marquess. Before entering upon the discussion of the question, he should wish to guard himself from the supposition, that he had any intention of throwing any impediment in the way of any measure which appeared calculated to remove the unfortunate disagreements which at present unhappily existed, and which no one could more deeply deplore than he did. He was anything but hostile to the bill of the noble Earl, but if it were to pass in the present state, it would have the effect of violating a great principle, without even the excuse of expediency, for the majority of the Assembly had declared, that if the measure were to pass into a law, they would not obey it. Though he would not go into detail, he would observe upon one point. The bill of the noble Earl gave, and very properly, to the people, the power of objecting, but it gave that power of objecting, not only on the grounds which at present existed, but allowed a complete latitude of objection by giving the power to every individual of the congregation. He should wish to see the power vested in some defined number of the congregation, although he was not then prepared to state exactly what that number ought to be. He would now proceed to state the reasons why he objected to the second reading of the bill. The noble Earl, who had moved it, had argued, that in most cases, it was a bad principle to legislate in favour of those who set themselves up in violation of the law. Now this had at first, been a matter of doubt, but when the question was brought to an issue, and when he had the decision of his noble and learned Friend below him (Lord Brougham), as well as that of the noble and learned Lord on the Woolsack, he should say, that any man was very obtuse of understanding who could not see, that the General Assembly was in the wrong. The noble Earl had said, that if the Assembly were allowed to act on the veto law, religious scruples with respect to patronage would follow. If it occurred to an ambitious clergyman, to take advantage of this, there would be no better way adopted for procuring the whole of the patronage for the Church, than by refusing to induct any clergyman, unless he were inducted by the Presbytery. In all that has been stated by his noble Friend behind him (the Marquess of Breadalbane) with respect to the noble Earl, the originator of the present bill, he fully concurred. It was his misfortune politically to differ from the noble Earl; but he would take the opinion of the noble Earl on the subject of the Church of Scotland as soon as that of any man. When the noble Earl first brought forward the measure, no doubt he believed, that the General Assembly would accept it. Many noble Lords entertained and expressed the same opinion. He was not so sanguine. On the contrary, he was of opinion, that the only way for an effectual settlement of the existing dispute, would be by rescinding the veto. He had, however, read with astonishment some of the speeches delivered on the subject; he would not attempt to repeat them, as they had already been so well and so accurately stated by the noble Earl. The noble Earl now stated, that though the General Assembly had refused to obey the decision of this House, sitting as a court of law, he thought they would obey that decision, if expressed in an act of Parliament. Now he (the Earl of Camperdown) thought, that as they had refused to obey a decision pronounced upon an act of Parliament, they would still refuse to obey that decision, if sent them in another shape. He must say, that the Church, in his opinion, was acting most foolishly in the matter—it was placing itself in danger, and if by agreeing to the second reading of this bill, he felt, that a stop would be put to the danger which threatened, he would support it—he thought otherwise, and as the bill would violate a principle, without effecting any good, he must oppose it. The noble Earl quoted a pamphlet published by the rev. Dr. Ure, to show, that the General Assembly would not act upon the decision pronounced by this House. It was most unwillingly, that he felt bound to oppose the bill introduced by the noble Earl opposite, and to support the amendment moved by his noble Friend behind him (the Marquess of Breadalbane). He had always thought, and was still of the same opinion, that if her Majesty's Government could devise any measure by which the question could be settled, it was their bounden duty to have submitted it to the consideration of Parliament, but on the contrary, if they could not suggest a measure likely to effect that object, he was not astonished at the course they had pursued. The difficulty of the matter was evidenced by the fact, that the majority of the General Assembly had rejected the measure of the noble Earl. He (the Earl of Camperdown) was moreover of opinion, that at present there was no occasion for the Government to interfere, the courts of law were fully able to carry the law into execution. He hoped and trusted the courts would exercise the authority they possessed, and throw the shield of protection around the clergy of the Church of Scotland. He was convinced, that if this bill were passed into a law, it would produce a schism in the Church, and on all these grounds, he should oppose the second reading.

The Earl of *Dalhousie* rose and said, he must apologise to the House for offering himself, so young a Member, to its notice on this important question, but being a Presbyterian, being an office-bearer in the Church of Scotland, and having borne some share in proposing for the consideration of the General Assembly, the same views, which the noble Earl below him (the Earl of Aberdeen) had embodied in the bill now on the table, he trusted their Lordships would give him some indulgence while he stated the reason why he should give his vote in favour of the motion of the noble Earl, and against the amendment of the noble Marquess opposite. He had waited in vain to hear any noble Lord address himself to the ground on which the noble Marquess had opposed the bill. The veto law was not now the question before their Lordships, but as he had some knowledge of the parties concerned in these divisions, and as he was well aware of the injurious effect which would be produced in Scotland, if no answer were given to the terms—the bold and open grounds which the noble Marquess opposite had taken in moving the present amendment, he would make the attempt. The ground the noble Marquess had taken was, that the learned Assembly of the Church of Scotland had done no more than its bounden duty in the course it had pursued, and that if that body had acted otherwise, it would have deserted a fundamental and vital principle of the Church of Scotland. Now he must take the liberty of saying, that the principle of non-intrusion was not a fundamental principle of the Church of Scotland, in the sense of an absolute rejection, without reason or objection stated, which objection was to be judged of by the ecclesiastical authorities. Such was never, since 1834, either a fundamental law, or any law at all in the Church of Scotland. This he asserted, but he would go a step further, and prove the fact to their Lordships. The passage on which this assertion was founded, was contained in two books forming the history or code of laws for Church government in Scotland; he meant the books of discipline which, since 1578, had been text-books of authority. The *Second Book of Discipline* set forth:

> "Ordinar and outward calling has twa parts, election and ordination. Election is the chusing out of a person or persons maist abile to the office that vaiks be the judgment of the elderschip, and consent of the congregation. In this ordinar election it is to be eschewit that na person be intrusit in ony of the offices of the Kirk, contrar to the will of the congregation to whom they are appointed, or without the voice of the elderschip."

In this, and no other Church, was absolute rejection meant. He was not going to carry their Lordships back to a consideration of the Canon Laws, but would content himself with merely adverting to to the fact, that one of the ablest judges had said, that in no Protestant church was there admitted a principle of absolute rejection. So it was with the Protestant churches on the Continent. He would take, for instance, the Church of Geneva—the mother of the Church of Scotland. Calvin would, he thought, be admitted to be a great authority on such a question, and what had been his views and practice? Why, that a person should be first nominated, then tried as to his qualifications, and then he was brought to the people. Calvin, in 1560, had written in answer to a friend from Treves, thus,

> "Primum eleguntur ministri a nostro collegiô; ac datur illis scripturæ locus in cujus interpretatione specemen suæ dexteritatis edant. Deinde examen habetur de præcipuis doctrinæ capitibus: tandem coram nobis ut apud populum concionatur. Adsunt duo ex senatu. Si probatur eorum eruditio, eos senatui cum testimonio offerimus: in cujus arbitrio est non admittere, si minus idoneos judicent. Quod si recipiuntur (ut semper hactenus contigit) tum nomina promulgamus coram populo ut si quod vitium latuerit, liberum sit singulis ante octo dies promulgare. Qui tacitis omnium suffragiis probantur, eos commendamus Deo et ecclesiæ."

Coming a little further down, in point of time, he arrived at the days of Beza. He was the preceptor of Andrew Melville, the author of the *Second Book of Discipline,* and with whom both Andrew Melville, and the officers of state in Scotland were in constant communication. The authority of Beza, on this point, was as follows:—

> "Itaque illa quidem statui, istos vero in muneris sui functionem mitti non decet, priusquam cœtus ecclesiæ fuerit, eâ de re solemni et legitimâ nunciatione admonitus, factâ cuique potestate admonendi presbyterii christianique magistratus eorum, quæ tanti esse momenti existimaverit, ut de iis cognosci oporteat, priusquam rata sint presbyterii et magistratus (sicubi Christianus fuerit) præjudicia, nempe ut neme invito gregi obtrudatur."

The simple meaning of this was, that the people had the power of summoning the presenter before the magistrates and the clergy, and upon their stating objections "*nemo invito gregi obtrudatur.*" He now came to the history of the Church of Scotland, and took his authorities from the text books of that Church. According to the *First Book of Discipline,* the election was placed in the congregation; but if they did not exercise the power within a certain time, the presentation came to the superintendent of the council, and the party presented in like manner came to be tried, and was then sent to the people to preach before them. If the presenter passed the judgment of the Presbytery, the congregation was compelled by the censure of the church and council—a censure equivalent to the excommunication of the Romish Church, to admit him, "or else a reasonable cause be shown by them wherefore not." He had now arrived at the authority of the General Assembly on this point, in the year 1576. It was this, giving instructions how ministers should be placed,

> "Provided always, that the consent of the flock shall be obtained, or else a reasonable cause to be shown wherefore not."

Here again the dissent was not to be received, unless it was supported by reasonable cause, otherwise it was held not to be valid. But this was not left in doubt; they could produce still further authority. In the debate of 1645, on what should be the form of the dissent that the people should take, it was stated in Bailey's printed letter, "that according to the second book of discipline, the election should be given to the Presbytery, with power to the major part of the people to dissent;" but how?—"with reasons assigned, to be judged of by the Presbytery." He would ask, whether it were possible for any man to be found so prejudiced on this question as to deny the validity of these historical documents. They had the whole practice of the Protestant Church of all ages,—of the Church of Geneva, of the Scottish Church under John Knox, and the practice after the Church was acknowledged by the state,—before them, that the dissent to be given was a dissent of the congregation, founded on objections to be produced to the Presbytery, and that they had no absolute power of rejection; that they should not be called on to produce objections to the Presbytery, but that the verdict of the Presbytery was final. [The noble Earl quoted other extracts from 1560 down to 1834, to show that ministers of the Scottish Church, on presentation, could only be rejected upon reasons assigned by the congregations, to be judged of by the Presbytery.] He therefore contended, that the ground upon which the noble Marquess opposite had founded his amendment was a fallacious one; that the principle set up by the Church of Scotland as a fundamental and vital principle never was a vital principle; that they ought not to set aside the established law of the land, the act of 1692 and the Act of Union. By a provision of the veto, if a congregation should come forward and say of a presentee, "This is not a man we conscientiously think we ought to have as our minister," the Presbytery durst not elect him and refuse attention to them. The Presbytery sat in judgment on religious qualification. The Presbytery might be convinced of the fitness of a man for the office of minister, and of his local fitness for a particular parish, and might go to the parishioners and say, "Surely you will not reject this man, no matter what are your privileges?" and they might reply, "We exercise the privilege which you yourselves have put into our hands; by this authority we declare that that man is not qualified to forward our spiritual interests, and we debar you from ordaining him." He should now direct their Lordships' attention to the statements of noble Lords as to the chance of success. It had been said that the whole kingdom of Scotland was up in arms on this subject. He would not deny that there had been a great deal of excitement and agitation in Scotland; but he would assert that it was a church agitation, and a tumult of a section of the clergy. Many persons in this country believed that the General Assembly was a pure mirror of the sentiments of the people—that it reflected the sense of the people of Scotland, as Parliament reflected the sense of the people of England. But the General Assembly did not represent public opinion. He denied that the General Assembly represented even the feelings of the clergy—theoretically it did, but practically it did not. In the majority of the General Assembly—and he said this in the presence of persons who were acquainted with the facts, and could contradict him if he stated what was incorrect—amongst the majority of the clergy who supported the veto, and who voted for the veto, in the General Assembly, many would accept the bill on their Lordships' table if they could. What was the reason? One reason was this: they could not bear to be bearded and termed Erastians, and reproached with a leaning to Popery. But another great cause which accounted for the majority was, he regretted to state it, a political feeling; it was that which impeded the smooth course of church government. He contended that the General Assembly represented very imperfectly the clerical feeling. Five-sixths of the General Assembly only were clerical members; the remaining sixth was of a more popular character, and represented a certain number of royal burghs. In the Assembly of 1840, four out of the five university elders voted against the veto. Ten burghs did not take the trouble to elect elders at all, and nine of the elders did not take the trouble to vote, and the rest were divided in numbers nearly, a majority being against the veto. To show the state of popular feeling, he would refer to the circumstances attending the petition he had laid upon their Lordships' table from East Lothian. In that county there had been two meetings—one to oppose the veto, and the other to support the veto. At the veto meeting the number of present and concurring proprietors and magistrates was three; at the anti-veto meeting the number of present and concurring proprietors and magistrates was 44. The clergy were nearly equal at each, but the tenantry at the anti-veto meeting outnumbered the others in an enormous proportion. He had taken the trouble of having the return-books examined, and he found that the sum represented at the anti-veto meeting was 104,000*l.*, whilst the sum represented at the veto meeting was only 1,100*l.*; showing a preponderance of property at the former meeting, exceeding 100 to 1, of those who, exclusive of the clergy, were present. At another meeting the anti-veto petition was carried by 100 to 5. Still there had been a great number of petitions in favour of non-intrusion; but many of them came from Presbyterian congregations in Ireland and England, from places non-endowed; how this could be a criterion of the feeling of the people of Scotland he could not see. But he admitted that there was still a number of petitions in favour of non-intrusion; but could their Lordships say these petitions were in favour of the veto? He said the contrary; some were for one thing, and some for another; a great many were for the principle of non-intrusion; but few were in favour of the veto. And how were these petitions got up? Why, emissaries were wandering about the country; meetings were held, notice of which was given out from the pulpit, and those who were of an opposite sentiment were held up as the greatest enemies of the Church: after holding forth for a long time on the horrors and heresy of intrusion, the people were asked, "Don't you think it a terrible thing to see a minister in the pulpit at the head of a troop of Dragoons? Would you not like better to see a minister of your own there?" The answer, of course, was, "Yes." "Then sign that." He did not say that petitions were universally got up in this way, but they were frequently so got up. Petitions were hawked about from door to door, from room to room; if refused in the parlour, they were taken into the kitchen, and even into the nursery, and children were made to sign them. He asked their Lordships whether such petitions were of any weight? He admitted that the principle of non-intrusion was a principle of the Church of Scotland—none of their Lordships denied it; but he said that the principle was intended to be a protection against the intrusion of an improper person; it was the principle of the Reformation, and not of 1834—of John Knox, and not of Dr. Chalmers. Let him refer to the Perth election. Perth was a county in which there was a strong feeling on this question, and "non-intrusion" was the shibboleth and test of qualification; the clergy engaged in the canvass addressing election mobs (in a way which he had never witnessed before, and he hoped never to witness again); and what had been the consequence? Why, in that county, at the end of one day's poll, the anti-veto member was returned by a majority four times greater than before. There was another test of public opinion. There are seventy newspapers in Scotland, and of this number, how many advocated the veto? There were sixty against the veto, five for it, and these five might be reduced to three. Newspapers were a tolerably correct index of popular feeling in the long run, and if almost all the newspapers in the country, Tory, Whig, and Radical, declared against the veto, how could it be said, that the veto was the popular feeling of Scotland. But it had been said, that the clergy would not accept the bill, and what use, therefore, would it be to pass it? That a section of the clergy would not accept it, he admitted—those who declared, that "it would be putting down Jesus Christ from his mediatorial throne." It was right that their Lordships should hear these expressions, which had been used by a rev. gentleman of ability and of eloquence, because it was a clear indication of the manner in which ecclesiastical polity and ecclesiastical government were discussed by those who had characterised this bill in terms which he would not trust himself to repeat. They said they would not submit to the civil courts, but that they would submit to the Legislature, meaning, "We never will submit to the civil courts at all, but we will submit to the enactments of the Legislature, provided the Legislature enacts only what we approve, and concedes all we demand. They said, "We are the Church of Christ; the Establishment did not make us a Church, and if we were excluded from the Church and deprived of our stipends, we shall be a Church still." Dr. Chalmers said,

> "She was as much a Church in her days of suffering as in her days of security and triumph—when a wandering outcast with nought but the mountain breezes to play around her, and nought but the caves of the earth to shelter her, as now, when admitted to the bowers of an establishment."

But he said, that these persons did not distinguish between *a* Church in Scotland, and *the* Church of Scotland. The Church of Scotland was established with conditions, reserving certain rights, and which conditions were accepted with gratitude and joy. These conditions remained uninfringed, and in this bill were recognised and ratified, and it was strange that conditions which the earliest reformers and ministers of the Established Church accepted as scriptural and proper should now be found out to be unscriptural and apocryphal. There was no compulsion to enter or remain in the Church; but those who did enter and remain must comply with the conditions or remove from a Church established by law. It was monstrous that they should be permitted to remain in the enjoyment of all the endowments of the Church, and yet openly refuse to fulfil the conditions upon which those endowments were conferred. Whether the bill on the table would be satisfactory to all parties in Scotland he could not pretend to say confidently; but he certainly looked upon it as a sufficient security for the attainment of the objects which he had stated. In the last century doubtless there had been great abuses of patronage; but that had passed away. If any evidence were wanted, they had that of Dr. Chalmers in 1833, when he brought in the Veto Act. The language he then used, with some inconsistency as compared with later speeches, was, that the patrons never acted more faithfully than now. Certainly he (the Earl of Dalhousie) believed, that it would not be possible under this bill for any patron to intrude an improper or unsuitable person upon a congregation. He was inclined, therefore, to believe, that the people would receive the measure with entire contentment, because it certainly did secure to them the great principle of non-intrusion, as it was established by the great fathers of the Presbyterian Church, by Calvin, by Beza, by Melville, and by John Knox.

Viscount *Melbourne* said, that notwithstanding the address of his noble Friend (the Earl of Aberdeen) who opened the debate—notwithstanding the length to which his noble Friend's arguments had been carried—notwithstanding the very able and powerful address to which their Lordships had just listened, but which, however, was an address expatiating more on the general questions which were now agitating on this subject in Scotland, than directed to the bill which was before them and to the question of its second reading, though he did not mean to say that the noble Earl had altogether omitted that topic—notwithstanding all this, the view he himself took of the question was so plain, short, and simple, that it would not be necessary for him to trouble their Lordships except for a very short period, for he must say, that the view he took would lead him to avoid a great many of the topics which were considered in connexion with this question by his noble Friend and others, as not wishing to enter upon the discussion of them at present. He should not then enter upon the whole question, but simply say, that in his opinion it was not so certain that the bill was adapted to decide this question—it was not so certain that the enactment of it would have a salutary effect in Scotland—it was not so certain that it would operate to bring the question to a satisfactory termination, as to make it prudent for their Lordships to proceed with it in the present times. He did not mean to give any abstract opinion on the merits of the bill; he did not wish to say whether the bill was the law of Scotland at present, as had been contended by a noble Lord; but he meant to say that it was not so certain to be of avail and advantage, as to make it prudent for their Lordships to proceed with it in the present times. The object which their Lordships had in view was to settle and determine this question in Scotland—to settle the collision between the civil and ecclesiastical powers, in which that country was at present involved—to produce religious peace. Such was their Lordships' object, and therefore their Lordships ought to take care that they did not aggravate the evils which at present prevailed in Scotland, by taking a step which might prove satisfactory to no party in the country. His noble Friend (the Earl of Aberdeen) had adverted to the thanks which his noble Friend said, he had offered his noble Friend at the time of his introduction of this bill; but his noble Friend seemed slightly to have misapprehended his meaning on that occasion: what he had thanked his noble Friend for was his undertaking the measure. He did not mean to thank him for the particular measure now on the table. These were thanks in which he could assure his noble Friend he was perfectly sincere, and if he could think that the measure on the table would conduce to the object his noble Friend had in view, would settle this question finally, he could assure his noble Friend that no feeling of false shame, no fear of the obloquy that might have been raised against him out of doors for accepting a measure from noble Lords opposite, no apprehension of taunts that the noble Lords opposite were conducting the Government while he was holding the emoluments, would have prevented him from accepting the measure, and lending his best aid to carry it into effect. But he had no such anticipations of it. His noble Friend said, that he had advice of the satisfaction with which this bill was viewed in Scotland, that he had letters every morning assuring him that there was a great approbation of his measure in that country; and the noble Earl (Dalhousie) had said, that a great number of persons who had voted otherwise in the General Assembly, had since expressed to him their concurrence in the principle of the measure. Now, his noble Friend had so much experience in public affairs, that it certainly was not for him to advise his noble Friend; but the noble Earl (Dalhousie) had not quite so much experience of political business as his noble Friend, and he therefore hoped that the noble Earl would give him leave to tell him that nothing was so little to be trusted as those private communications to noble Lords respecting measures in which they were known to take interest. He would answer for it, that of all those who, the noble Earl said, had voted against this principle in the General Assembly, and who had subsequently changed their minds, as appeared from their communications with the noble Earl, there was not one upon whom he could calculate as a supporter in any public expression of sentiment in favour of this bill. In short, it was impossible to rely on anything but an expression of a public opinion on the occasion, because men of this kind were always found to act with the generality of those who carried them away, and also (allow him to say) almost always with the most loud and violent. For his part, he did not believe that there was a general approbation of the measure in Scotland, and he believed that if the General Assembly did not like it before, they would not like it more after the speeches of his noble Friend and the noble Earl who had just sat down. In fact, he could not think that the bill was introduced in the most conciliatory spirit. He had only one more observation to make, and that was on what had fallen from his noble Friend when he said that this bill was the law of Scotland at present, and that it had been the law for at least 100 years. This period was rather long for Scotland, where the law admitted the principle of desuetude; but he could not help asking, if the provisions of this bill were satisfactory to the Church, why did not the Church do by its own authority what the bill proposed to do? It would surely be much more satisfactory to them to have the matter settled that way than by Parliament. No set of men liked to be compelled to do by others that which they could effect, if they pleased, by their own power and authority. But he would not go further into the subject than he had intended, and he should, therefore, only repeat to their Lordships his opinions of the inexpediency and imprudence of their pledging themselves to the measure by giving it a second reading, without any guarantee that it would answer the ends proposed, or effect the objects for which it was intended. He thought it prudent, not seeing his way before him, not to take any steps in the dark; but his noble Friend said, "what will you do?" Now, he was not prepared to say what he would do. He could tell what he would not do. He would not adopt the bill of his noble Friend. His noble Friend said, "you must do something." Now, there was no language in the world which he (Viscount Melbourne) was more afraid of than than that. There was no language more hazardous; it was the source of every error, and therefore it had never been his principle to say "I will do something" till he had determined what it was he should do. He could not view these religious differences and the vehemence with which they were urged, and the manner in which the law was appealed to on both sides, without some apprehensions, though not with the same apprehensions that were entertained by his noble Friend and by the noble Earl opposite, but he said that it was better to do nothing than pass a measure which might aggravate the present evils of the question, and which, as far as he saw, afforded no remedy for those evils. He agreed with both the noble Earls, that it was not right to anticipate that any law which their Lordships might pass would not be obeyed. He did not, therefore, argue against the bill on that ground; he did not say that the measure would not be obeyed; but he said that it would never have its due effect if the obedience rendered it were not the obedience of the heart and feelings, and if the whole measure were not satisfactory to the temper and mind of the people of Scotland; therefore, not feeling that the bill would have that effect, not feeling either that it would produce the effect which the noble Earl anticipated—not meaning to give a general opinion on the measure—not meaning altogether to say that a bill framed in that spirit might not be suited to the occasion, he must say he felt that their Lordships ought not to proceed at present with the measure, seeing that a measure exactly similar might be brought forward on any occasion, whenever time and further experience should show that such a bill would be likely to prove beneficial.

The Earl of *Haddington* said, that the noble Viscount did not often address long speeches to their Lordships; but, on the contrary, generally contrived to occupy but a very short time with what he said, and to condense a very great deal of matter into a very small space. That evening, however, the noble Viscount had contrived to make a speech of about his usual length, but without saying anything whatever. The noble Viscount said, that their Lordships ought not to do anything until they could pass a bill which would be satisfactory to all parties. Now, he defied the ingenuity of man to frame such a bill as would satisfy both parties. If they were not to legislate for the purpose of establishing the peace of Scotland until they could pass a measure which would be satisfactory to all parties, the Church of Scotland would be allowed to totter to its fall without a hand being stretched out for its support. In his opinion, it was the duty of Government to have brought in a bill, and have left parties to obey it. He certainly had much rather that the law should be obeyed willingly, but it was better that the law should be settled by Parliament, and that all parties should be forced to comply with it, than that the present state of things should continue. The moment that the decision of that House was given in the Auchterarder case it was the duty of the Government to take up the question, and introduce some legislative measure on the subject. Instead of that, the Government went on hesitating and negotiating, seeing how the cat jumped here, and in what direction the wind blew there, consulting expediency rather than relying on principle, and the result was that the different parties in the Church proceeded from bad to worse, and from one violent course to another. It often happened that letting a question alone effected good, but in the present case delay had increased the evil, and was increasing it still more every day. It was quite impossible but that a bill on the principle of the present must receive the sanction of the noble Viscount opposite, if he only considered the question, and if he had, with all the authority of the Government, introduced such a measure, he (Lord Haddington) could not help thinking that the Church of Scotland would have accepted the bill, that it would have met with the general approbation of the country, which would have escaped those evils which had of late occurred. But he repeated, the Government had hesitated on the subject; they wished to discover the effect of the question on Parliamentary elections, and he must confess, that as the Government was now situated, there was every temptation for them to attend to such matters. Parties in another place were running neck and neck, and one vote was of great importance; but he did think that in a case of such magnitude and serious character it was the duty of the Government of the country to come to a determination on the subject, not on account of party considerations, but from a conviction of what was just and right. The noble Viscount had not told the House whether or not he meant to support the law; and it certainly did not appear to be a proper position for the Prime Minister of the Crown to sit with his hands before him doing nothing. He (Lord Haddington) conceived, that if this bill did not answer all the purposes desired, it could not make matters worse. He, indeed, had no doubt that if the bill passed into law, it would be well received by the public, and by every rational man in the Church of Scotland. He should deeply deplore if any necessity arose for enforcing penal acts against the clergy of Scotland, and this was one of the motives which made him anxious to try the effect of an Act of Parliament. The noble Earl then adverted to the amendments to the bill suggested by Dr. Chalmers, and expressed a hope that the noble Mover of the measure would not consent to any such alterations, which, though apparently verbal, would really have the effect of altering its principle, and would establish a regular and irresponsible domination. On another occasion he might feel it his duty to make some observations on what was the most momentous part of the subject—the enormous pretensions to ecclesiastical power put forth by the majority of the General Assembly. The most painful example of the working of this spirit had been exhibited in the case of the seven ministers, and but for that, he believed that the non-intrusion question would have been settled without difficulty. It was impossible to reflect without pain on the return which had been made to the noble Proposer of this measure by those who had been in correspondence with him; but the time doubtless would arrive when they would acknowlege the debt of gratitude they owed to him. If the present bill should not pass into law, and the Government should not take measures to put an end to the present state of things, the men who were now so violent would lament, in the ruin of their Church, the day when they refused to accept the present moderate measure.

Lord *Brougham* said, that considering that out of the judgment which he and his noble and learned Friend had pronounced, affirming the decision of the Court of Session, had mainly arisen many of these unfortunate circumstances, and as there was a probability, nay almost a certainty, that their Lordships would be applied to again to act in their judicial capacity, he feared that if he gave any opinion on the construction of Acts of Parliament and of clerical acts, he should be prejudging what he might soon be called upon to decide judicially. The unhappy state of excitement which prevailed in Scotland upon this subject it was hardly possible to exaggerate by any description; and if he reminded their Lordships of two delusions which prevailed on matters connected with the bill, and the decision of that House upon the general question, he should not only greatly strengthen the reason he had given for abstaining from entering into this debate, but do his endeavour at least, in part, to allay that irritation. Would it be believed that this bill was held up to the people of Scotland as an encroachment on the rights of the Church, and an attempt to diminish her power? One reason he had for voting against this bill was, that in his humble opinion, it went a great deal too far to increase the power of the Church; but that it tended to diminish that power, that it went further in that direction than declared what that power now was, no person who read it with the most ordinary degree of attention or calmness could entertain the slightest apprehension. The other delusion which had been practised in Scotland, and which it seemed still prevailed, was that the Court of Session, and their Lordships in affirming its judgment, had interfered with the spiritual functions of the clergy. He would leave that judgment to speak for itself; he would only remind their Lordships that there were two things asked of the court below, by the suitors in that case, the one to declare a certain right, and the other praying that that right might be enforced. A decision was given only on the first, the court below declaring the right. It did not go so far as to answer the second part of the prayer—to enforce the right in the way demanded. But if he referred to the second part, which was not decided either in the court below, or by their Lordships, and which went a great deal further in the direction of interference, if any step had been taken at all in that direction, which he denied, it would be found, as had been decided in another case, to go to this extent and no further—that the Presbytery should make trial of the qualifications of the party, and if they found him in their judgment, after trial and examination in common form, duly qualified, which was the ecclesiastical, the clerical, the spiritual part of the question—if they, judging upon the matter without compulsion, without any one dreaming of interfering with or compelling them to exercise these functions—if they in the free, unfettered, discretional, and if they would, arbitrary exercise of their ecclesiastical and spiritual functions, found him duly qualified, then they should receive and admit him according to law. It had been said, and he entirely rested his opinion against this bill on this ground, that we ought to see the laws already made obeyed before enacting new ones. To which it had been answered, that the parties would obey the new law, for they had never said they would disobey it. He could only say, he could see no difference between the new law they were now called upon to enact and the law already enacted, the 10th Anne, cap. 12, against which he feared certain parties had committed the act of disobedience. Whether that afforded any great encouragement to make new laws for the purpose of having them disobeyed, he would leave their Lordships to determine.

The *Lord Chancellor* had heard it stated elsewhere that the Court of Session had assumed a spiritual judisdiction on this question. Nothing could be more unfounded ; their Lordships were all aware of the course taken in the settlement of a minister in a parish. The patron had the power to present; and, according to the act of the General Assembly of 1834, a power was bestowed on the heads of families to dissent from the presentation. When a majority of the heads of families had expressed their objection to the presentee, the act of the Presbytery was at once to reject him. All that the Court of Session and their Lordships' House had done, was to declare that in so acting, the Presbytery had acted in violation of the law. Any one who looked at the interlocutor of the court below could have no ground for supposing that the civil court had assumed the jurisdiction or interfered with the duties of the spiritual court. It was the Ecclesiastical Court that had invaded the right of the patron, and not the civil court which had invaded the rights of the Church. The bill before the House gave the Church two great powers. It put it in the power of the Church to exclude the patron entirely from the civil court, and placed his right of patronage at the mercy of any one who had the right to object to his presentee.

The Earl of *Aberdeen*, in reply, said he was aware the bill gave large powers to the Church, yet notwithstanding this he had previously given it as his opinion, that the Church had the power to enact a law of its own similar to the present bill for the purpose of preventing intrusion. He admitted, that the powers recognized by the bill were large, but denied, that it would give to the spiritual courts a positive or absolute veto, because it compelled them to assign reasons for their judgment. This he thought was a sufficient guard against any abuse of the power that was allowed to remain with them.

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Aberdeen
Orkney
Hopetoun
Dartmouth
De la Warr
Mansfield
Clanwilliam
Wicklow
Chichester
Charleville
Harrowby
Harewood
Verulam
Brownlow
Beauchamp
Sheffield
Eldon
Falmouth
Cawdor
Ripon
Brecknock.
VISCOUNTS.
Strathallan
Strangford
Gage
Hawarden
Gort
Beresford
Combermere
Canning.
LORDS.
De Roos
Clinton
Saltoun
Colville
Middleton
Sondes
Walsingham
Montagu
Kenyon
Douglas
Lyttleton
Rolle
Bayning
Carbery
Redesdale
Rivers
Ellenborough
Colchester
Maryborough
Ravensworth
Rayleigh
Bexley
Lyndhurst
Cowley
Heytesbury
Ashburton.

List of the NOT-CONTENTS.

DUKE.
Roxburgh.
MARQUESSSES.
Lansdowne
Breadalbane
Conyngham
Normanby.
EARLS.
Clarendon
Scarborough
Ilchester
Minto
Camperdown
Kingston
Rosebery
Lovelace,
VISCOUNTS.
Melbourne
Duncannon.
LORDS.
Byron
Holland
Brougham
Hatherton
Portman
Cottenham
Camoys
Colborne
Lurgan
Sudely
Monteagle.

Paired off.

CONTENTS.	NOT-CONTENTS.
Duke of Beaufort	Earl of Albemarle
Duke of Rutland	Earl of Effingham
Duke of Buccleuch	Lord Strafford
Duke of Argyll	Lord Berners

Marquess of Hertford
Marquess of Thomond
Marquess of Exeter
Marquess of Cholmondely
Marquess of Ailesbury
Earl of Winchilsea
Earl of Jersey
Earl of Galloway
Earl of Airlie
Earl of Aylesford
Earl of Warwick
Earl Digby
Earl of Carnarvon
Earl of Liverpool
Earl of Mountcashell
Earl of Longford
Earl of Enniskillen
Earl of Clare
Earl of Bandon
Earl of Rosslyn
Earl of Bradford
Earl of Glengall
Earl De Grey
Earl of Dunraven
Viscount Hereford
Viscount Sydney
Viscount Hood
Viscount Doneraile
Viscount Canterbury
Lord Southampton
Lord Dunsany
Lord Farnham
Lord Clonbrock
Lord Churchill
Lord Prudhoe
Lord Forester
Lord Wharncliffe
Lord Feversham
Lord De L'Isle
Earl of Carlisle
Earl of Cork
Marquess of Sligo
Duke of Leeds
Lord Bateman
Earl of Charlemont
Earl Craven
Lord Lyndhurst
Earl of Radnor
Lord Arundell
Viscount Lismore
Lord Western
Earl of Suffolk
Lord Stanley of Alderley
Lord Lovat
Marquess of Anglesey
Lord Mostyn
Lord Talbot of Malahide
Marquess of Headfort
Lord Kinnaird
Earl of Oxford
Earl of Leitrim
Lord Poltimore
Lord Wrottesley
Lord Sherborne
Lord Seaford
Lord Leigh
Lord Carew
Lord Barham
Viscount Torrington
Lord Cloncurry
Earl of Meath
Earl of Morley
Earl of Yarborough
Lord Montford
Earl of Sefton
Earl of Erroll
Lord Stuart De Decies
Earl of Gosford

Bill read a second time.

HOUSE OF COMMONS,

Wednesday, June 17, 1840.

MINUTES.] Bills. Read a second time:—Marriage Acts Amendment.

Petitions presented. By Mr. Easthope, Mr. Thorneley, Mr. Wallace, and others, from Whitby, Greenock, York, and other places, against Church Extension.—By Lord Grimston, Lord Ashley, Sir James Graham, and others, from Hertford, Pembroke, and other places, for Church Extension.—By Mr. Greene, from Lancaster, against Idolatry in India.—By Sir G. Grey, from Bideford, against Granting additional powers to the Poor-law Commissioners.—By Mr. Dennistoun, from places in Scotland, in favour of Universal Suffrage.—By Mr. Lucas, from Medical Practitioners at Monaghan, and by Mr. F. French, from Medical Practitioners of St. John's, and St. Margaret's, Westminster, for Medical Reform.—By Mr. Wakley, from the British Medical Association in London, from Manchester, Hornmarket, Bishop's Stortford, and other places, against the Vaccination Bill.—By the Earl of Lincoln, from three places in Lincolnshire, to Abolish the Assistant Poor-law Commissioners.—By Mr. Sergeant Jackson, from Dublin, for an Amendment of the Registration.—By Mr. W. S. O'Brien, from the Letter-press Printers of Limerick, against the Copyright Bill.—By Mr. P. Scrope, from Stroud, against the Importation of Hill Coolies into the Mauritius, and against the Opium Trade.—By Sir G. Grey, and Mr. Hume, from Grocers of North Shields, and Kilkenny, for an Equalisation of the Duties on Sugars.—By Lord Sandon, from the St. George's Steam-boat Company, for a Reduction of the Pilotage Duties; and from Dalton, against the War with China, and the Opium Trade; and from Cheltenham, praying the Dismissal of Ministers, as unworthy the Confidence of the Queen and the Country.—By Mr. Hume, from Airdrie, in favour of an Extension of the Suffrage.

VACCINATION]. [Sir *J. Graham*, in moving the Order of the Day, that the House resolve itself into a committee on the Vaccination Bill, observed, that he thought that it would tend much to shorten the discussion on this important subject if the hon. Member for Finsbury would move, as an amendment upon his motion, that the Order of the Day be read for the hon. Member's bill, the Small-pox Prevention Bill, to be committed first. One of the main differences between the two bills was, that the hon. Member for Finsbury prohibited inoculation for the small-pox altogether, whereas his bill permitted it, placing it, however, under such regulations and restraints as amounted very nearly, but not entirely, to a prohibition. In committee he should be prepared to entertain the first clause in the hon. Member for Finsbury's bill as an amendment on his own 11th and 12th clauses. Another difference between the two bills was, that the hon. Member for Finsbury treated the machinery of the Poor-law which he introduced into his bill as merely ministerial, because he mistrusted the Poor-law system; whereas he intended to give practical operation to his measure through the different boards of guardians, and to give the central superintendence of it to the Poor-law commissioners, confiding in them because he found them trusted by the Legislature on matters of much greater importance. The substantial difference between the two bills was in the different use they made of the Poor-law commissioners. The bill which he advocated had been assented to by the other House of Parliament, and would come into operation under the superintendence of a commission which would exercise the most stringent control over it. No such precaution was taken in the case of the measure of the hon. Gentleman opposite. He hoped the House would see that his bill was the safer and less objectionable, and therefore give it a second reading.

Mr. *Wakley* said, that no one could be ignorant that the working classes of this country entertained great prejudices against vaccination. It therefore behoved the House to look carefully to the means by which it was proposed to remove those prejudices. The right hon. Baronet proposed to make use of the officers appointed under the Poor Law Amendment Act to carry his bill into effect. Now, the poor also entertained great prejudices, no matter whether right or wrong, against the Poor Law Commissioners. Nothing could be more ill-judged than to make use of a machinery to which they were so hostile. If children were to be operated on by the officers of the Poor-law unions, he had no hesitation in saying that the poor would be inclined to believe the operation was designed not to protect, but to destroy their offspring. He believed that that feeling would exist, but of this he was sure, that without compulsion they would not place their children in the hands of those officers. Under the bill which he (Mr. Wakley) proposed, a poor man having a child to be vaccinated would be enabled to select his own medical attendant. In his opinion that would be a great inducement to the poor to have recourse to vaccination. It was worthy of notice that not a single petition had been presented in favour of the right hon. Gentleman's bill, while numbers of petitions for the passing of his measure had been presented, and he believed he might say that the medical profession felt great confidence in the efficacy of the plan. During the last two years the mortality in England alone from small-pox had been 12,000 annually; in England, Scotland, and Ireland, it had been 17,000. Why not, then, under those circumstances, put a stop to inoculation altogether? Why allow this frightful mortality to continue, when the efficiency of the vaccine lymph as a remedy was universally admitted by medical men? In Portugal inoculation was prohibited by law, and not a single person was now known to die of superinduced small-pox. In France, while the epidemy prevailed, inoculation was prohibited; and in the island of Jamaica it was also prohibited. Would the people of this country be so enamoured of an erroneous method as to wish to maintain it at the expense of the lives of 17,000 of their relations and countrymen annually? He believed that not a single voice would be raised against a law prohibiting inoculation. Physicians and surgeons generally were of opinion that if inoculation were prevented, and vaccination used, the small-pox would entirely cease. He confessed he should be averse to see the medical officers of unions intrusted with the duty of vaccinating. It was well known that they were not the most reputable members of the profession. Did the contracts into which they had entered reflect credit on those who had executed them on the one hand, or those who had sanctioned them in London on the other? It was well known that they were often inexperienced, scheming adventurers, who went into neighbourhoods where they were not well known, in order to gain that experience which might afterwards enable them to practise on the rich. The table was loaded with petitions complaining of the contracts which such adventurers had made, from medical men and guardians of the poor, as well as from the poor themselves. Seeing the blessing and advantages which would result from the universal adoption of vaccination, and the objections to which the right hon. Baronet's plan was open, he trusted the House would assent to the amendment he should now move, to substitute the Small-pox Prevention Bill in place of the Vaccination Bill.

Mr. *C. Berkeley* seconded the amendment. He thought that the practice of inoculation ought to be put an end to altogether. There was one subject in connexion with the present which the hon. Member for Finsbury had not touched upon, but which he was anxious to bring under the consideration of the House, although he might be a little disorderly in doing so. Dr. Jenner, the author of vaccination, only received for the discovery two grants, one of 10,000*l.* and another of 20,000*l.*, and members of his family were now in great distress. Now, he would ask the House whether the relatives of a man who had done more for medical science than any other ought to be left in such a situation?

Mr. *Warburton* said, that the real object of legislation on this subject, was, how they could best prevent inoculation. He thought that public opinion had gone quite far enough to enable the House to put a stop to it altogether. The question with which they had now to deal, was this —whether they would leave vaccination to the Board of Guardians, or whether they would leave it to the medical men in each parish to find out cases for themselves, and thus promote vaccination. He had received a letter from a manufacturer at Clitheroe, in which it was stated, that although there was a dispensary in the town, where vaccination was practised gratuitously, not a single application had been made, and further, that the writer, who had employed 1,400 or 1,500 people in his manufactory for the last ten years, had done all he could to induce the women to get their children vaccinated, but in vain; and such had been the neglect, that when the small-pox came among them, a great many had died, not having been vaccinated. This would shew, that the bill of the hon. Baronet did not go far enough, and he was afraid that if it passed into a law, it would not be found to be so efficacious a measure as might have been expected. He was more inclined to think that vaccination would be more effectually done, if the medical men in each parish were left to search out cases, and get their fee, rather than if it were left to be done gratuitously. A self-operating machine of the kind which he had described, would be much more likely to act well than any other. The number of cases of vaccination would certainly be greater, but that was the very object of the bill. Although he should prefer the hon. Baronet's bill to no measure at all, yet, giving the preference to the bill of his hon. Friend, he should support the motion which he had brought forward: but if that motion should be defeated, he should do all in his power to improve the bill of the hon. Baronet in committee.

Mr. *Lucas* said, that the provisions of both these bills were intended to extend to Ireland, notwithstanding which the arguments of the hon. Member for Finsbury applied to England only. The hon. Member had placed a great part of the recommendations of his own bill on the indisposition which he attributed to the poor of England to rely on the discretion of the Poor-law guardians, and the Poor-law commissioners, and the prejudices which they entertained against the last-named individuals. Now, this objection did not apply at all to Ireland, because the system was yet unknown to the poor of Ireland, and public opinion on its merits among the lower classes was at all events suspended. The two measures before the House as regarded Ireland, might be contrasted in a very plain way. The bill of the hon. Member for Finsbury left it to any medical man to canvass among his poor neighbours for patients, and the effect of this would be to encourage a low class of practitioners, who would be the least competent to canvass for half-crown fees. A practitioner of this description would find it very useful in Ireland to concentrate a little community of married females about him, and he would generally have to vaccinate a child of each once a year at least, if not oftener; and, indeed, there was nothing in the bill to prevent the same child from being vaccinated more than once. It had sometimes been made the subject of a sort of complaint that the population of Ireland was greater than it ought to be, and it had even been insinuated that the people of Ireland took more pains to increase the population than in justice and fairness they ought. He must say, he thought that one medical practioner in a district, who would keep a regular register, would be much more likely to be a competent person, and to do the business properly, than a person who canvassed for half-crown fees. If the bill of the right hon. Baronet were found not to be so efficient at first, as was expected, more stringent provisions might be afterwards applied.

Mr. *Goulburn* remarked, that the question was, whether they would absolutely prohibit inoculation, or whether they would only restrain it; and, therefore he would only say, that he was decidedly adverse to prohibiting by law any persons innoculating their children. He would state one case, which was within his own knowledge, which would show how great might be the hardship which would result from such legislation. A servant in a family, where there were several children, was attacked with small-pox, of the most virulent kind, and the medical gentleman who attended the family, recommended, that all the children should be immediately inoculated, with some better kind of small-pox, urging as his reason, that if the vaccination which they had undergone proved efficient, the inoculation could do no harm; but, if it proved inefficient, they would have the better kind of disorder, instead of the worse. That was the opinion of a most eminent medical practitioner, and he thought that it would have been extremely hard upon that gentleman, if he had been visited with imprisonment for inoculating the children under such circumstances. He would observe, that there was one point on which he thought that both the bills before the House were defective. He believed that it often happened, that when persons had been impregnated with vaccine matter, it did not take effect the first time, and he thought, that if the House was to legislate on the subject, they ought to make it imperative on the medical man to make inquiries, and see whether the matter had taken effect. What, therefore, he should wish to see, was, that a preference should be given to the bill of the right hon. Baronet, and that some provisions should be introduced in committee to effect the object to which he had referred. The bill of the hon. Member for Finsbury would permit a low class of the medical profession to canvass for half-crown patients, and he thought it better to have one respectable and competent person to attend to the business.

Mr. *Ward* did not think that the plan of the hon. Member for Finsbury would lead to a canvass amongst low practitioners, because people would naturally be anxious to get the best medical assistance that could be had.

Viscount *Sandon* said, there was but one common object in view by hon. Gentlemen on both sides of the House—namely, to prevent the increase of inoculation, and to propagate vaccination. The feelings of both these parties interested in this matter, those who communicated the prophylactic remedy, and those who received it, should be consulted; but he thought the feelings of the latter would not be best consulted by handing them over to the Poor-law guardians. Not only was the medical opinion of this country, but of the whole world, in favour of the prophylactic virtues of vaccination; therefore it was quite time to proceed to the absolute prohibition of inoculation.

Sir *J. Graham* said, the question whether inoculation for the small pox should be absolutely prohibited would still be left open, notwithstanding the House should agree to go into committee upon this bill; for it would be quite competent for any hon. Gentleman on the 10th clause to move the insertion of the 1st clause of the bill of the hon. Member for Finsbury. No single individual perhaps had ever conferred so much benefit upon the human race as Dr. Jenner, and as it was the object of both bills to diffuse that benefit as widely as possible, he regretted that there should have been any agitation upon the subject by the hon. Member for Finsbury, against which, to use a medical expression, he had been unable to get up a counter-irritation. The interests of the medical profession were, no doubt, concerned in this matter. He had always regretted the practice which formerly prevailed of putting up to a kind of Dutch auction the services of medical men, and leading them to underbid each other, until the lowest bidder got the appointment. That system led to very great abuses, which, however, were very much remedied by the report of a committee, of which the hon. Gentleman and himself were Members. His right hon. Friend, the Member for the University of Cambridge, had said, that vaccination would be very imperfect unless it were performed in all cases by competent persons; but a power was given in the third clause to the Poor-law commissioners to issue from the central board such orders as might be necessary to secure the effectual operation of the measure, and whatever provisions the highest medical authorities of London might think necessary, might be made the general rule for the whole practice. The main question was not whether inoculation by smallpox should be prohibited or no, but whether the greatest facilities should not be afforded for the extension of vaccination, and whether the central board of Poor-law commissioners in London should have the general superintendence and control over the diffusion of the practice of vaccination throughout the whole country, or should be left to the private exertions of medical practitioners.

The House divided on the original motion. Ayes 56; Noes 39:—Majority 17.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Bailey, J. jun.
Barnard, E. G.
Beamish, F. B.
Bethell, R.
Bramston, T. W.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Chichester, J. P. B.
Childers, J. W.
East, J. B.
Evans, W.
Feilden, W.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Gladstone, W. E.
Goulburn, rt. hon. H.
Grey, rt. hn. Sir G.
Hawkes, T.
Hodges, T. L.
Hodgson, F.
Hodgson, R.

Holmes, W.
Hope, hon. C.
Hughes, W. B.
Hurt, F.
Lincoln, Earl of
Lygon, hon. General
Mackenzie, T.
Marsland, T.
Martin, J.
Neeld, J.
Nicholl, J
Pease, J.
Praed, W. T.
Pryme, G.
Pusey, P.
Rolleston, L.
Rushout, G.
Scrope, G. P.
Shaw, right hon. F.
Somerville, Sir W.
Spry, hon. E. J.
Stanley, hon. E. J.
Stanley, Lord
Stuart, W. V.
Thompson, Alderman
Townley, R. G.
Waddington, H. S.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Young, J.

TELLERS.

Graham Sir J.
Lucas, E.

List of the NOES.

Aglionby, Major
Alston, R.
Archbold, R.
Barrington, Viscount
Berkeley, hon. C.
Bewes, T.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Dundas, C, W. D.
Finch, F.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hector, C. J.
Hobhouse, T. B.
Johnson, General
Langdale, hon. C.
Lister, E. C.
Maule, hon. F.
Morris, D.
Norreys, Sir D. J.
O'Connell, M.
Parker, R. T.
Pattison, J.
Pechell, J.
Pigot, D. R.
Roche, Sir D.
Rundle, J.
Slaney, R. A.
Talbot, C. R. M.
Thornely, T.
Vigors, N. A.
Ward, H. G.
Williams, W.
Wood, B.

TELLERS.

Wakley, T.
Warburton, H.

House in Committee on the Vaccination Extension Bill.

Clause 1, empowering Poor-law guardians to contract with the medical officers for vaccination, being read,

Mr. *Wakley* said, that the existing law empowered Poor-law guardians to do that which was proposed by this clause, and therefore it was unnecessary. It was the practice of Poor-law guardians already to contract for the vaccination of the poor. He wished to ask the right hon. Baronet, whether he would not pauperise persons by his bill, and thus under the Reform Act render them liable to be disfranchised?

Sir *J. Graham* said, the power which the Poor-law guardians already possessed to make contracts for vaccination was only permissive, and it was left to the discretion of the various boards to say whether they should include vaccination in their contract with their medical officers or not? But the object of this clause was to render it imperative upon all unions to contract for the gratuitous vaccination of all persons within the union. [Mr. *Wakley.*—Of all persons?] Yes, it distinctly proposes, that vaccination shall be provided, "for all persons who may come to them for that purpose." With regard to the second objection of the hon. Member, however much he might be disposed to respect his medical opinion, he must be excused for not at once deferring to his legal opinion. If, however, there could be any ground for supposing that he was correct in thinking that persons receiving vaccination under this bill would be pauperised and disfranchised thereby, he promised the hon. Member, that, as there were several bills before the House dealing with the franchise, he would take care to have a clause introduced in the proper place to prevent persons from being deprived of their right to the elective franchise in consequence of the operation of this bill.

Mr. *Warburton* was of opinion that gratuitous vaccination was not likely to be either very good or generally practised. He should like, that the words, "inhabitants of the parish and of the union" should be inserted.

Sir *J. Graham* thought the proposition of the hon. Member was rather inconsistent with his remaks. If vaccination was a good, the wider it was diffused the better. The object of the bill was to extend it to all classes and persons in the country, without making inquiry as to whether they were rated inhabitants of the parish or not. At the same time the largest possible power should be given to the Central Board of Commissioners to issue general orders, which should be binding on all unions.

Mr. *Wakley* said, that the bill of the right hon. Baronet was a measure which would compel medical officers to vaccinate without charge. Its provisions had a tendency to inflict upon the whole medical profession a gross insult, and he did hope that the right hon. Baronet would consent to let the bill go through a committee *pro formâ*, to let the chairman report progress, and in the meanwhile, he might consider what alterations could conveniently be made in it. The propositions in both bills might be dovetailed; all that he desired was the production of one measure calculated to prevent inoculation, and to promote the use of vaccination, it being well ascertained, that the latter was the more effectual preventive.

Sir *J. Graham* thought it would not be expedient to re-debate the principle of the bill. It was no measure of his, but when asked to take charge of it, he gave to the subject the best consideration in his power, and he was certainly prepared to stand by the bill in its present form. The 10th clause formed the main question at issue—namely, whether or not inoculation should be prohibited.

Mr. *Wakley* then proposed to add after the words "contract with the medical officers appointed by the board of guardians," the words "or with any legal qualified medical practitioner or practitioners."

Sir *J. Graham* said, he should certainly take the sense of the committee on the amendment.

The committee divided on the question, that the words be inserted:—Ayes 33; Noes 24: Majority 9.

List of the AYES.

Aglionby, Major
Beamish, F. B.
Berkeley, hon. C.
Bethell, R.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bruges, W. H.
Finch, F.
French, F.
Hall, Sir B.
Hector C. J.
Hodges, T. L.
Johnson, General
Langdale, hon. C.
Morris, D.
O'Connell, M.
Parker, R. T.
Pigot, D. R.
Rundle, J.
Scrope, G. P.
Stuart, W. V.
Talbot, C. R. M.
Thornely, T.
Townley, R. G.
Vigors, N. A.
White, A.
Williams, W.
Wilmot, Sir J. E.
Winnington, H. J.
Wodehouse, E.
Wood, B.

TELLERS.

Wakley, T.
Burroughes, H. N.

List of the NOES.

Baines, E.
Barnard, E. G.
Bewes, T.
Burr, H.
Busfeild, W.
Darby, G.
Evans, W.
Feilden, W.
Ferguson, Sir R. A.
Hughes, W. B.
Kelly, F.
Lister, E. C.
Mackenzie, T.
Marsland, H.
Nicholl, J.
Norreys, Sir D. J.
Pease, J.
Polhill, F.
Pusey, P.
Rickford, W.
Rolleston, L.
Slaney, R. A.
Vivian, J. E.
Warburton, H.

TELLERS.

Graham, Sir J.
Lucas, E.

The clause, as amended, agreed to.

On clause 3 being proposed, which provides that officers engaged in the administration of the Poor-laws should, for the purposes of the act, conform to the instructions of the Poor-law Commissioners,

Sir *B. Hall* inquired if this clause was intended to apply to guardians under local acts? He objected to it.

Mr. *Wakley* opposed the clause, as it would have the effect of introducing the power of the Poor-law commissioners into districts where they were at present unknown, and where the inhabitants hoped never to have anything to do with them. Besides, it was an insult to the medical profession to place medical practitioners under the control of commissioners, none of whom were medical men.

Sir *J. Graham* said, that although the Poor-law commissioners were not medical men, yet they were in the habit of consulting the highest medical authorities.

Mr. *Wakley* could not assent to the statement, that the Poor-law commissioners always consulted the first medical practitioners; besides, he objected to the authority of these medical advisers, who were not known, and were subject to no responsibility.

Sir *J. Graham* was satisfied that the commissioners would act under good advice, and if the clause was rejected, he should not think it right to take further charge of the bill.

Sir *B. Hall* would move a proviso, to be inserted at the end of the clause, that it should not extend to any parish having any local act for the relief of the poor, and not forming part of any union.

Sir *J. Graham* said, before the committee divided, he would observe, that the proviso was at direct variance with a clause which had been already passed, making it imperative on all parishes to vaccinate.

The committee divided on the question, that the proviso be added: Ayes 7; Noes 51: Majority 44.

List of the AYES.

Grimsditch, T.
Heathcoat, J.
Hector, C. J.
Hodges, T. L.
O'Connell, M.
Vigors, N. A.
Wood, B.

TELLERS.

Hall, Sir B.
Wakley, T.

List of the NOES.

Aglionby, Major
Baines, E.
Beamish, F. B.
Berkeley, hon. C.

Bethell, R.
Bewes, T.
Bridgeman, H.
Brodie, W. B.
Bruges, W. H. L.
Burroughes, H. N.
Busfeild, W.
Collier, J.
Darby, G.
Evans, W.
Feilden, W.
Ferguson, Sir R. A.
Finch, F.
Handley, H.
Hobhouse, T. B.
Hodgson, R.
Johnson, General
Langdale, hon. C.
Lister, E. C.
Lucas, E.
Lynch, A. H.
Mackenzie, T.
Marsland, H.
Marsland, T.
Morris, D.
Norreys, Sir D. J.
Pease, J.
Pigot, D. R.
Plumptre, J. P.
Pusey, P.
Rickford, W.
Rundle, J.
Scrope, G. P.
Slaney, R. A.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Turner, W.
Warburton,
White, A.
Williams, W.
Wilmot, Sir J. E.
Winnington, H. J.
Wodehouse, E.

TELLERS.
Graham, Sir J.
Nicholl, J.

Clause to stand part of the bill.

On Clause 7, which requires "the guardians to transmit a copy of every contract to the Poor-law commissioners, who may annul the same,"

Mr. *Wakley* thought the clause highly objectionable. The bill required the guardians to enter into contracts with the medical officers and practitioners, for the purpose of carrying it into effect; yet the commissioners sitting in London, who necessarily knew nothing of any locality but from report, and oftentimes malicious report, were to have the power of setting aside all their arrangements, without hearing the evidence of the parties. Such a provision would be most offensive, both to the guardians and the medical officers, and he should certainly divide the committee against it.

Sir *J. Graham* said, the object of the clause was, to give the commissioners the power of ascertaining that in each contract, remuneration to the medical officers was proportioned to the number of persons vaccinated, and that, from time to time, regular returns were made to the board.

Mr. *Warburton* considered the clause necessary, in order to make the contracts practically effective.

The committee divided on the question, that the clause stand part of the bill: Ayes 40; Noes 11: Majority 29.

List of the AYES.

Aglionby, Major
Baines, E.
Beamish, F. B.
Berkeley, hon. C.
Bethell, R.
Bewes, T.
Bridgeman, H.
Brodie, W. B.
Bruges, W. H. L.
Burroughes, H. N.
Busfeild, W.
Collier, J.
Evans, W.
Feilden, W.
Handley, H.
Hobhouse, T. B.
Hodgson, R.
Johnson, General
Lister, R. C.
Lowther, Lord Visc.
Lucas, E.
Lynch, A. H.
Mackenzie, T.
Marsland, T.
Morris, D.
Norreys, Sir D. J.
Pigot, D. R.
Plumptre, J. P.
Pusey, P.
Rickford, W.
Rundle, J.
Scrope, G. P.
Slaney, R. A.
Stuart, W. V.
Thornely, T.
Tollemache, F. J.
Townley, R. G.
Warburton, H.
White, A.
Winnington, H. J.

TELLERS.
Graham, Sir J.
Nicholl, J.

List of the NOES.

Darby, G.
Ferguson, Sir R. A.
Grimsditch, T.
Hall, Sir B.
Hector, C. J.
Hodges, T. L.
Marsland, H.
O'Connell, M.
Turner, W.
Vigors, N. A.
Williams, W.

TELLERS.
Wakley, T.
French, F.

Clause agreed to.

On Clause 10, prohibiting unqualified persons from inoculating,

Mr. *Wakley* said, that wishing to raise the question, whether inoculation should not be wholly abolished, he should divide the House upon an amendment which he was about to propose on this clause. Who were the persons that were unprepared for this? Were they informed as to the present practice in this country? Were they aware of what had happened in England before the discovery of vaccination? or were they aware of the practice of foreign countries? A physician of eminence, some time ago, had expressed an opinion, that smallpox, in its most virulent state, was identical with the plague. If any one were to set up to inoculate for the plague, would that be allowed? At present in Wurtemberg, and other parts of the Continent, and even in one of our own colonies, inoculation was prohibited. Now, if they were to pass this clause, that was to say, if they prohibited unqualified persons only from inoculating, the public would conclude that the House had given a legislative sanction to inoculation. Was it not awful that 17,000 persons died annually of this frightful malady? Upwards of 1,000 died of it last year in London alone. Then the evidence of the protective power of vaccination was so conclusive and indisputable, that he trusted the House would meet this calamity with a determined resolution, and say that no man, whatever his qualifications or station in the profession, should be allowed to propagate poison by inoculation, and that it should be altogether prohibited under heavy penalties. The hon. Member then moved the omission of certain words in the clause, with a view of altering it so as to effect his object.

Mr. *Warburton* approved of the amendment proposed by his hon. Friend. The number of deaths from small-pox was not the only evil, but the injury done to the persons of those who survived was also a serious consideration. Nobody could doubt that it was expedient to put an end to the dissemination of small-pox. Their duty was to put an end to inoculation, and the clause as it stood would not effect that object, as it would still enable professional men to continue the prejudices in favour of inoculation, in order that they might profit by them.

Sir *G. Strickland* said, that nothing but overbearing necessity should compel them to adopt such a proposal as this. He was convinced that an enactment providing that no person should inoculate would be ineffectual for the purposes sought by the hon. Member for Finsbury. It was an interference with every man's management of his health, in which they could not be justified. The small-pox was, no doubt, a fearful disease; but were there not many other diseases equally fearful? How many thousands died annually of the immoderate use of gin, and other spirituous liquors? Why did they not make the use of those liquors penal? No; but when the great medical authority, Mr. Wakley, came down and said, such and such management was injurious to health, they at once agreed to put it down by the strong arm of the law. Nothing but education could put an end to the prejudices of the people on this subject. If they were to pass this bill, Dr. Morrison would come before the House. [Mr. *Wakley*—He is dead.] If he did not, somebody else would come, and say, that the pills in general use were so destructive to health, that they ought not to be any longer allowed to be used. On the principle, that every man had a right to do what he thought best for his own health, and that the Legislature ought not to interfere, he should oppose the amendment.

Mr. *C. Berkeley* having considered the evidence of medical men on this subject, thought it was now high time to put an end to the practice of inoculation, and should therefore support the amendment.

Mr. *Darby* believed there was now no doubt that inoculation was prejudicial. Long experience had proved, that vaccination was completely effectual for preventing the small-pox, and now, therefore, was the time to stop this disorder by adopting this amendment. Wherever they went, they witnessed proofs of the ravages it had committed. They could not walk through any alley in the town, without seeing nine-tenths of the people marked with the small-pox. If the mischiefs of inoculation were confined to the parties inoculated, we might not, perhaps, be justified in interfering, but when those inoculated exposed others to taking the disease, he thought the Legislature had a right to interfere, and prevent the practice.

Mr. *M. O'Connell* thought this amendment was particularly required for the poorer classes in Ireland. He had known 100 individuals to die of small-pox in the course of two months in one district in which inoculation was practised, and four children in one family, who were inoculated by their mother, to be carried to a premature grave in the course of a few days.

Mr. *Hodges* said, his principal objection to making it penal to inoculate, arose from his not being impressed with the conviction that the medical profession were against the practice, as he had known instances, over and over again, of medical men inoculating.

Mr. *Slaney* said, it was well known, that typhus fever carried off the greatest number of children, and that the small-pox took off the next greatest number. It was now an indictable offence, to expose a child with small-pox on it. This was a shield to those only who lived in open airy situations, and not to those who lived in crowded places, where a great number of children were necessarily brought together. They would be, therefore, only extending the protective principle of the law to the latter, by making it penal to inoculate.

Mr. *F. French* feared, that though it was desirable that vaccination should be brought into general use, they should respect to a certain extent the prejudices of the people. The great mass of the lower classes entertained a very strong feeling that vaccination was not sufficient, and he was apprehensive, that by adopting the amendment, they would, instead of effecting their object, only raise prejudices against the law, and make the people less disposed to observe it, as they would be exceedingly unhappy if they were not allowed to take the steps which they considered necessary to protect their children against the disorder.

Mr. *Nicholl* said, it had been at all times doubtful whether inoculation was useful; that it was inferior to vaccination was now universally admitted among those who knew anything of the subject. It had been said, that vaccination was not a complete preventive against the small-pox; but if they were to compare the number of cases in which small-pox broke out after vaccination, with those in which it broke out after inoculation, and also the number of deaths occurring after one and the other, they would find, that, as a preventive to taking the small-pox, vaccination was fully equal to inoculation, and far superior to it as regarded the number of deaths. He would venture to say, that there was not one Member of the House who would suffer his own child to be inoculated. He would, therefore, support the amendment.

Sir *J. Graham* conceived all the provisions of the bill to be insignificant when compared with the subject under discussion. He agreed with the hon. Member for Bridport, that the hon. Member for Finsbury, when he stated only the mortality arising from small-pox, he understated his case, for that maligant disease blighted the early promise of beauty in the cradle, occasioned many chronic diseases, and frequently led to the loss of life. The real question, however, for the House to consider was, whether the prejudice in favour of inoculation was well grounded. It was in evidence, that on the continent, where inoculation was prohibited and vaccination enjoined, the small-pox was prevented. He thought the time had arrived for a step to be taken in advance by the Legislature—not to make vaccination imperative, but to prohibit inoculation. It was necessary that a certain degree of sympathetic fever should be produced before vaccination could be relied on, and it was therefore necessary that various minute points should be watched, without which false confidence was raised. It was therefore important, not only that vaccination should be general, but that it should be conducted by persons of competent skill. Unless he had seen a safeguard for this he would not have been responsible for the bill. If pressed to a division, he should divide for Mr. Wakley's amendment.

Mr. *Wakley* said, that the deaths from small-pox since inoculation had been introduced instead of vaccination, had, according to Mr. Marshall's tables, increased in London alone from 160 to 3,271 in one year.

The *Attorney General* begged to express his clear opinion, that inoculation ought immediately to be abolished. He had no doubt, that to inoculate a child was to endanger the public health, and to endanger the public health was a misdemeanour punishable by law. Inoculation was regarded as indispensable before vaccination was discovered, and was permitted as an avoidance of the greater evil; but now by the blessing of God a substitute had been found, and all excuse for inoculation was at an end. He saw no reason, therefore, why it should not be abolished, when it had been abolished in other countries, and no inconvenience had resulted from it. All classes felt an interest in this subject, and when it was seen that the House of Commons had almost unanimously agreed that inoculation ought to be abolished, he trusted that the measure would meet with the general concurrence of the public.

Mr. *Lucas* thought the committee ought not to come to too hasty a decision on the subject, as it would be unjust to create a penalty which could not be avoided, as he believed there was not the means of vaccinating the poor in many parts of the country.

Mr. *P. Scrope* said, that to do away with any inconvenience that might arise on this account he would propose the postponement of the operation of the clause till the 1st of January next

Mr. *Wakley* objected to such postponement. He had consulted the officer of the vaccine institution, and had ascertained that there would be no lack o vaccine matter for inoculating the whole of Europe if necessary.

The amendment making it penal, after the passing of the act to cause small-pox by inoculation or exposure, was agreed to.

Other clauses agreed to. The House resumed, report to be brought up.

PAROCHIAL ASSESSMENTS BILL.] Mr. *P. Scrope* moved the second reading of this bill, and hoped there would be no objection to its passing through this stage.

Sir *B. Hall* objected to the second reading, on the ground, that new matter had been introduced.

M. *Darby* also opposed the bill, as many of its enactments were objectionable.

The *Attorney General* did not approve of all the details of the bill, but as the principle was good, he hoped the House would allow it to be read a second time.

Mr. *P. Scrope* said, that if the bill were allowed to pass through this stage, he would remove the 4th and 5th, which appeared to be the objectionable clauses in committee.

Bill read a second time.

HOUSE OF LORDS,

Thursday, *June* 18, 1840.

MINUTES.] Bills. Read a first time:—Tobacco Regulations.

Petitions presented. By Lord Rolle, from Taunton, against any further Grant to Maynooth College.—By Lord Denman, from a place in Yorkshire, for the removal of Mr. F. O'Connor from York Castle to some other place of confinement.—By Lord Brougham, from Essex, praying for the removal of all persons in Holy Orders from the Commission of the Peace; and from Edinburgh, for a Mitigation in the punishment of Mr. F. O'Connor, and against Church Extension.

HOUSE OF COMMONS,

Thursday, *June* 18, 1840.

MINUTES.] Bills. Read a first time:—Masters in Chancery; Stock in Trade; Arms (Ireland); Insane Prisoners.—Read a second time:—Population.

Petitions presented. By Mr. Finch, Mr. C. Lushington, Mr. A. White, and other hon. Members, from Walsall, Sunderland, Dissenting Congregations in Cambrige, and other places, against Church Extension.—By Sir S. Lushington, from the British India Society, against the Importation of Hill Coolies into the Mauritius.—By Mr. Plumptre, from the Northern Protestant Association, and from Oldham, against the Grant to Maynooth.—By Mr. Macaulay, from Antrim, for Medical Reform.—By Mr. Warburton, from Halifax, Warwick, Oxford, Cheltenham, and other places, against the Copyright Bill.—By Mr. Bell, from Northumberland, against the Ecclesiastical Duties and Revenues Bill.—By Sir G. Strickland, from Long Preston, in the West Riding of Yorkshire, to relieve Dissenters from the payment of Church Rates.—By Sir G. Clerk, from Kelso, in favour of the Earl of Aberdeen's Bill; and from Dunbar, against the Municipal Corporations (Scotland) Bill.—By Mr. B. Smith, from Norwich, for an Equalisation of the Duties on Sugar.—By Mr. Heathcote, from Lincolnshire, in favour of the Chimney Sweepers' Bill.—By Sir E. Knatchbull, from the Fruit Growers of Kent, for Protection against Foreign Fruit.—By Sir R. Peel, from Edinburgh, in favour of the Earl of Aberdeen's Bill.

PRIVILEGE.] Sir *J. Graham* said, that as there was no immediate business before the House, perhaps he might be allowed to make a few observations upon a matter which personally concerned himself. He was very unwilling to take such a course, but he thought he was justified in doing so under the circumstances of the case. He was the last person to notice any anonymous assertion, however unfounded, that might be directed against him, but he thought the conduct of a Member of that House, in his capacity of Member, was a matter that could not be indifferent to the House at large. It was asserted yesterday in the *Morning Chronicle*, that on Tuesday last he stationed himself in the lobby, and endeavoured to prevent Members from attending to make a House. After prayers, and before four o'clock, the Speaker sent a message to the committees, giving Members notice to attend for the purpose of making a House; and he conceived that any Member who endeavoured to obstruct Members in attending, would be acting in disobedience to that order, and in a manner that was not Parliamentary. It so happened on that day that he was in attendance on the committee upon banks of issue. He certainly did not immediately obey the summons of the Speaker; but on the point of four o'clock he was proceeding to the House, when he was informed that the House had been counted, and that there not being a sufficient number of Members, the Speaker had not taken the chair. He immediately returned to the committee-room and told the hon. Member for Bridport what had occurred. He would not have noticed the statement that had been published, if this morning there had not been an aggravation of the assertion. It was stated in the *Morning Chronicle* of this day that it was true he was not in the lobby that day at the time the House proceeded to prayers, but that there was an equivocation in his denial, inasmuch as he had previously taken means for preventing a House being formed. He need not repeat that such conduct appeared to him to be highly unbecoming and offensive, and in the most positive terms he begged to be permitted to deny that he directly or indirectly influenced any one Member on the subject. He hoped the House would forgive him for intruding in a matter personal to himself, but as it related to his conduct as a Member of the House he thought he was justified in bringing it to the notice of the House.

Mr. *Warburton* begged to confirm the statement of the right hon. Gentleman.

Sir *C. Burrell* said that an attack made twice ought not to be passed over. He was willing to make every allowance for newspapers falling into errors, but when a mis-statement was reiterated, he did think that was misconduct which the House ought not to pass over without some animadversion. That was his humble opinion, and he felt it his duty to express it.

Subject dropped.

GOVERNMENT OF CANADA.] Lord *J. Russell,* in rising to move the third reading of the Canada Government Bill, said that he had promised the last time that the bill was before the House, when the order for the third reading was agreed to by a great majority, to take into consideration certain amendments which had been proposed by different Members. The first of these was the proposal of the right hon. Baronet, the Member for Tamworth, to the effect that debts in future contracted by the provinces of Canada should not form a charge upon the consolidated revenue fund of the provinces before the civil list charge. It appeared to him, upon consideration, that it was desirable to make this alteration; and he accordingly proposed it. There was another suggestion of the right hon. Baronet's with respect to the representation. The right hon. Baronet suggested that certain commercial bodies should be created, in whom the representation should rest. He thought there would be so much difficulty in carrying this suggestion into effect in such a manner as that these bodies should not become too exclusive, that he was not able to adopt this suggestion. Another suggestion had been made by his right hon. Friend (Mr. E. Ellice), namely, that all the clauses regarding district councils should be omitted. He had endeavoured to limit the power of these bodies, as they certainly had not experience, and they were likely, as his right hon. Friend supposed, to propose persons in whom no great confidence was placed, but who, by means of their influence over a very ignorant portion of the population, might acquire a temporary ascendancy injurious to property, and mischievous as regarded the general welfare. There was great difficulty at present in limiting the power that ought to be given to these bodies, and, upon consideration, he thought it better to leave out all those clauses which gave an extensive power, than endeavour to limit it. The 63d clause which allowed the Governor-general to constitute townships in those parts in which they were not already constituted he proposed to retain. He was anxious upon a question of so much importance that there should be as much agreement as possible among all parties respecting the clauses that should be sent to the other House of Parliament, and he must say that if any thing would be lost by the province by the omission of the clauses to which he had adverted, infinitely more would he gain by the general agreement of the House upon the bill in its present shape. The noble Lord concluded by moving that the bill be read a third time.

Mr. *Hume* was sorry to have heard the speech of the noble Lord, because much that was good in the bill was now, it appeared, to be taken out, and the people were to be altogether deprived of self-government and of the control of their own resources. The noble Lord would not carry, he was afraid, the opinions of the people of Canada with him. He knew how useless it was to offer any opposition to a proposition from the Government connected with the colonies whatever it might be; but he must enter his protest against the course pursued by the noble Lord, because it would leave the Canadas without those district and local courts to manage their affairs until the Assembly should have time to make some arrangement. He begged to enter his protest against the partial destruction of the little that was useful in the bill. He thought a general amnesty should be passed before the bill of the noble Lord was adopted by the House. He wished to ask the noble Lord whether the *habeas corpus* Act were still suspended in Canada, and whether those persons who were imprisoned had been set free?

Lord *J. Russell* believed, according to the last accounts, the suspension continued. The Governor-general, however, would not renew the bill for suspending the Act which would of course be restored. With regard to the individuals who had been imprisoned, he believed they had been discharged.

Sir *C. Grey* did not approve of the omission of the clauses relating to district councils, but he hoped, for the sake of unanimity, that the hon. Member for Kilkenny would not oppose the omission. He thought the effect of the bill would be to create a majority in the legislature with thoroughly British feelings, a matter much to be desired. He would support the third reading of the bill.

Sir *R. Peel* meant to vote for the passing of this bill. He approved of the amendment of the noble Lord, with respect to Civil List, but he was sorry that the noble Lord could not agree that the mercantile interest should be represented in the united assembly by a superintending body, a chamber of commerce, composed, quite irrespectively of differences in political and religious opinions, of commercial individuals. Such a body should have a duly adjusted weight in the assembly. It would be a decided improvement in the constitution of the assembly, because it would give a larger preponderance to those who were in favour of British interests. With regard to the district councils, he thought it would be advantageous to the public to establish, under certain regulations, local authorities, let them be called by what name they might, with well defined powers of taxation for local objects; but it would be proper to leave the constitution of those local authorities to the local legislature. It would be more literally following out the principle of self-government if these councils were not appointed by the Imperial Legislature. A great experiment was to be tried, and he thought it would be better to wait for a time rather than to establish the councils simultaneously with the Legislative Assembly. He entirely concurred in the policy of omitting those clauses from the bill which had been repudiated by the noble Lord. It was somewhat strange, however, that the House should be about to pass that bill, without having been put in possession of the whole of the correspondence concerning Canada. It was only since he had come down to the House that he had seen the last of the series of documents printed under that title. He had given it as close a perusal as he could in that short space of time, and he could not help thinking that some of the papers might have been communicated to the House at an earlier period. For instance, there was a despatch of the noble Lord, dated the 28th of May, acknowledging the receipt of one from Mr. P. Thomson of the 4th of April,

> "Transmitting, in order that it might be laid at the foot of the throne, a petition from the Roman Catholic clergy of Lower Canada, deprecating the union of the provinces of Upper and Lower Canada, and praying for the re-establishment of the constitution of 1791."

Nearly three weeks had elapsed since the receipt and reply to that despatch, and therefore there was no reason why the House, while called upon to assent to the third reading of this bill, should be kept in ignorance of communications of such importance. He did not see in the despatches, however, any reason whatever why he should withhold his assent to the bill. On the contrary, he found with some satisfaction that his views with regard to this bill were confirmed by them. From the inhabitants of the district of Gaspe the strongest remonstrance against the annexation of that district to the province of New Brunswick had been forwarded for presentation to the throne, in which they stated that they were

> "All strongly attached to the institutions and laws of Lower Canada, and would consider it as the greatest of misfortunes should the Imperial Parliament dismember the said district from the province of Lower Canada, in order to annex it to that of New Brunswick, the customs, manners, and laws of which essentially differ from those which prevail in the district of Gaspe."

He had before stated, and he now repeated, that he could not foresee any period when the union proposed by the bill could be more satisfactorily arranged than the present. Sir George Arthur, who appeared to be favourable to the bill, made the following observations in his concluding despatch:—

> "There is a natural anxiety felt for the result of the Union and Clergy Reserve bills; but there is otherwise no particular excitement in the country, and the community, generally, seem more desirous of repose than of further agitation, and I do not know that a more auspicious moment could be expected to present itself for carrying the details of the union into practical effect, if that measure be decided upon by the Imperial Legislature."

Upon these grounds he gave his assent without the slightest hesitation to the passing of this bill; and he could not conclude the part he had taken with respect to this discussion without expressing his most cordial prayer that the measure under the contemplation of the House might promote the interests of the inhabitants of those two provinces, which he believed to be as dear to the British Parliament as the interests of our own people at home; and that it might lay the foundation of a permanent, prosperous, and glorious connexion between the two Canadas and this country.

Sir *T. Cochrane* said, that having had much to do in the course of his professional career with colonial matters, he naturally felt a great interest in this question. No measure which had occupied the attention of the House for many years past could have been of such vital importance to this country and its dependencies: and if ever there was a great question with which party politics ought not to be mixed up, it was this one. Two important points were involved in this bill: one was its effect upon the internal economy of the colonies themselves, and the other its influence upon the interests of the empire at large. He thought that during the discussion of this question sufficient consideration had not been given to the extent of country with which they had to deal, and the consequent inconvenience and inefficiency of having a Government at a remote point, and of being left without local Governments equal to the wants of the inhabitants. It was impossible for a single legislature to attend to the civil necessities of so large a territory. He much feared that the passing of this bill would be a virtual declaration of the independence of the Canadas, and he believed that this was the last dictatorial act which the House could pass for those colonies. Daily experience proved that there was a large body of persons there who could not be depended on. Nova Scotia, which had always been considered a most loyal province, had petitioned for the removal of governor, and given other more unequivocal signs of discontent. A great desire was expressed in all parts of the colonies for what were called "responsible governments." Sir G. Arthur had described a large portion of the people in Upper Canada as being most disloyal, having the word "reform" on their lips, but "separation" cherished in their hearts. He should not dread separation were the colonies in a condition to maintain their own independence; but since they had not yet arrived to that maturity and strength, he must say that he looked forward with great dismay to that separation, which was urged on by a body of democrats there, before the people and the colony were in a state which could justify them in asserting their independence, and before they could indulge the slightest hope of deriving any advantage from such a proceeding. It had been said that the governors and authorities of Canada were in favour of this bill. But Sir J. Colborne, for one, had not given any opinion on the measure, and he had reason to believe that the gallant commander was opposed to it. He sincerely prayed that all his anticipations might be falsified, and he should be exceedingly delighted to find that, as the inhabitants of this country and the people of Canada had proceeded from one stock, so they would in all respects be fully and cordially united.

On the question that the bill do pass,

Mr. *Hume* said, that he objected to the omission of clauses which went to give local municipal councils. He thought such an omission exceedingly unwise, and that it must be attended with bad consequences. The bill once passed, he wished to know what authorities would exist to administer local affairs? If the noble Lord really intended to omit these clauses, he must record his vote against the bill. He therefore hoped that the noble Lord would state what he intended to do.

Lord *J. Russell* replied, that he should give his opinion upon this subject to the Canadian Government, and he thought, that that being done, the better course would be to leave the matter in the hands of the united Legislature.

Mr. *Hume* said, if he understood the noble Lord to intimate an intention of sending out the bill to Canada, accompanied by a recommendation to the effect that the councils which he referred to ought to be established, he (Mr. Hume) should not press his objection.

Bill passed.

POLICE ASSESSMENT—DAMAGE.] Lord *J. Russell* moved the Order of the Day, that the House do resolve itself into a committee on the Police Rates Assessment Bill.

Sir *E. Wilmot* said, that the question was one of much importance. The rating of rural districts on account of riots taking place in distant towns was most unjust, and he wished to know whether her Majesty's Government had any intention of remedying the existing law in this respect.

Lord *J. Russell* admitted, that the case to which the hon. Baronet referred was one of great hardship, but yet it was not peculiar to the part of the country with which the hon. Baronet was connected. The county had to make good the damage in the case of the riots at Nottingham, and that was no greater hardship than had been suffered in Warwickshire. He was not prepared to propose any remedy at present.

Sir *R. Peel* concurred with his hon. Friend as to the injustice of the practice. He was the owner of land in Warwickshire, thirty miles from Birmingham; it was a rural district, having little connexion with, and no influence over the regulation of, the town; yet they were called upon for large contributions to make good injuries done during riots in Birmingham. By the law, certainly the vicinage was held responsible for the public peace; but owing to the great changes which had taken place in various parts of the country, the principle now was one fraught with the utmost injustice. It was impossible for farmers residing at a distance of thirty or forty miles to prevent riots in a great manufacturing town.

Bill went through the committee.

House resumed.

Report to be received.

County Constabulary.] On the Order of theDay for the further consideration of the report on the County Constabulary Bill,

Sir *E. Knatchbull* thought the bill was such as the House ought not to agree to, and that it was at variance with the true principles of the British constitution. His wish was, that the whole subject of rural police should be re-considered. No one could deny that some alteration was necessary; but the question was whether that which was now proposed by the Government was the best, or whether some better and less expensive system could not be adopted. He would just mention, that in his opinion a separate and distinct provision was really necessary to regulate the police of canals and railways. He thought that the evidence collected by the commissioners was not of such a description as to justify the Government in bringing forward the measure of last Session or the present bill. The question was, whether the House was prepared to substitute for the existing constabulary force an organized body of an essentially military character, and one which would be solely and exclusively under the control of the Government. Another important consideration was the expense of the new system. In the county of Glocester, which had adopted the provisions of the act, the charge in the first year amounted to 17,253*l.*, while the amount of the county-rate during the last three years had been about 6,000*l.* less. The operation of the new system, with regard to boroughs, was inconsistent with the principle of self-election, which the House had established by the Municipal Election Bill. When the House remembered that only thirteen counties had thought fit to accept the measure of last Session, he thought it would adopt his motion; which was, that the bill be referred to a select committee.

Mr. *Rice* believed that the expense of adopting the rural constabulary system would not be found so great as had been apprehended, nor ought the expenditure in the counties which had adopted the system to deter other counties. The measure was especially calculated to protect the poor; for no class in the country suffered more from petty depredators than did cottagers during their absence from their homes in the hours of labour. It would be no small additional advantage if by this means they could get rid of poaching, which was always the first stage in rural crime. Twopence in the pound would probably be the whole amount of the rate required for the county of Kent—an amount which a farmer would almost save in the article of well-ropes stolen under the present system in the course of the year. Another great advantage consisted in the uniformity of practice secured within each county by the appointment of a chief constable. For these reasons he cordially supported the measure.

Mr. *Benett* said, that 2*d.* in the pound was too small an amount of rate. In Wiltshire it was 6*d.*, which was a serious sum to pay without a corresponding advantage. Having dropped in these days all constitutional objections which he had felt in other times to such a measure, he was now decidedly of opinion that if they were to have a rural police, it ought to be under centrical control, and paid from the general public funds, for he considered it to be the duty of Government to maintain the peace of the country. He should much prefer this to the plan of last Session, from the general adoption of which he anticipated nothing but disappointment, as had already been felt in Wiltshire from its adoption there. He thought it better that the two bills should be referred to a committee.

Mr. *G. Knight* said, that in a question of this kind, the House ought not to look to the party who were the Government of the day, and ought to leave such a measure as this in their hands. He should be glad, not only to see the bill made compulsory, but that the Government should take upon itself the whole administration of the measure, so as to make it more effectual and more economical. It was highly inexpedient to keep the feelings of a part of the country in a state of uncertainty, and as to referring the bill to a committee, it would only prolong the uncertainty and suspense.

Mr. *Bruges* said, if this was an act introduced for the first time to alter the law with respect to the constabulary force, he should vote for its further consideration; but when there was an act in force, and this bill was merely to remedy its defects, he could not support the amendment. He thought the bill before the House very necessarily and properly introduced.

Mr. *Halford* said, his vote would be given in support of the amendment of the right hon. Baronet, as a proposal calculated to afford the opportunity for that maturer deliberation and discussion, which had not certainly been given to the subject on its first introduction during the last Session, but which, on account of its importance, it eminently deserved. The measure of which this bill formed a part had been supported from either side of the House without reference to party, he thought an appeal might fairly be made to both parties for caution and hesitation with regard to it, upon the respective principles of either. The plea in its favour was urged upon the ground of increase of crime, together with a decay of public spirit among the existing authorities, rendering them unfit and inadequate for its prevention and punishment. This might be true, it might be true that the progress of society was attended with corruption of manners, that there was always a tendency in a free constitution to degenerate from its liberty, and that in proportion as the spring of government became weakened and relaxed, it became necessary from time to time that it should be renewed and contracted; but if this were so, there were those in the House whom he might ask, how they reconciled such a supposition with the characteristic views they entertained—the administrative despotism now proposed with the political liberty of which they were the advocates, the apathy and indolence attributed to the class from which the ordinary constables were taken, to the influence upon general policy they would give to that class, or the notion of a general increase of crime and corruption with the extension of the franchise among the people at large. On the other hand the office of conservatism was, he thought, not more to protect the order of society against the dangers with which it might be threatened under pretext of liberty, than to guard the constitutional liberties we enjoyed against encroachment or suspension, more than was absolutely and imperatively necessary for the sake of order. The county with which he was connected had been among the first to adopt the act of the last Session, they had done so he was free to admit under a sense of deficiency among the ordinary constables, and of a necessity for assistance and improvement in the police, but they had done so also under a wrong impression of the extent and object of the scheme of which that act was a part. It was thought that the assistance of an active superintendent, to whom it was proposed to give a salary of 100*l.* with twenty-four subordinates, might be of use in cases of a graver and more difficult description in combination with the old constabulary. The order of the Secretary of State, however, fixing the salary of the chief constable at 250*l.*, soon showed the intention of the Government to extend the plan far beyond what they proposed. He did not pretend to speak in the name of the body of Leicestershire magistrates, but he thought if the recommendations of the Commissioners were ultimately to be carried out to the full extent, there would be a general feeling of regret in the county at the insidious nature of the proposal, by which they had been beguiled into the surrender of functions he had been taught to consider essentially connected with the enjoyment of liberty. He had read the report with attention, and wished to speak of it with the respect so entirely due from every Member of the House, and which none felt more deeply than he did, to the name which stood first among the Commissioners, but he hoped there was nothing inconsistent with that respect to say, that he could not agree with all the reasonings it contained, nor assent to the conclusions at which it arrived. It was urged that no just estimate could be formed of the increase and extent of crimes from the number judicially pursued, because of a general forbearance to prosecute. Now the degree to which such forbearance might prevail was a very equivocal test of the increase of crime. He could not believe it to be very generally the result of intimidation and the fear of violence, because that would be to suppose a cowardice which was no part of the national character, while the dread of trouble and expense would hardly operate under a sense of injury from serious and frequent depredations. But the report was not without evidence of a contrary description. "We find," say the commissioners, "from the evidence that crimes of violence, whether originating in rapacity, or resorted to for the gratification of any vindictive or gross passion, other than for money, are generally in a course of gradual diminution. This diminution is the more satisfactory, inasmuch as it is the result of a gradual amelioration of the morals of the people, independent of any special agency for the purpose." A return also given in the report of the number of highway robberies committed in each year, from 1831 to 1837, showed a gradual and constant diminution of the number. It was not in the face of testimonies such as these, that he could think a case was made out, from the fears of commercial travellers who did not choose to pursue their journies late at night lest they should be robbed, but who, from any thing which appeared in the report, it did not seem ever had been robbed; nor from the pilfering which took place upon canals, for a change in the social system so entire as that which came within the recommendation of the commissioners. No doubt that in large towns, among a manufacturing population, or occasionally for the reformation of a demoralized rural district, an agency of a more constant and vigilant kind than could be supplied by the ancient parochial system was required; but were there no acts already for the purpose? There were the police clauses of the Municipal Corporations Act, the Lighting and Watching Act, the Special Constables' Acts; these were all enactments of recent date, and such as could hardly yet be said to have been fairly tried; but all these it was within the scheme of the commissioners to annul and merge in a new system, which, if it were done, would present an instance of an instability of legislation, which was in itself a great evil. The old principle of local responsibility, under which heretofore property had been effectually protected, it was said had fallen into desuetude; but the new plan renounced and repudiated that principle altogether. The correction and suppression of local discontents and disturbances was no longer to be left to the inhabitants where they occurred, because their interference might be followed by animosities among neighbours, and between labourers and their employers. The opposite proposal, however, he thought of a very questionable character. Wherever local discontents arose into actual disturbance, something was wrong in the relations of the society of the locality; the labouring class was either under the pressure of some actual grievance, or there was a defect of moral instruction among them: in neither case did he think those immediately in connection with them ought to be relieved from all responsibility. To place at the command of the wealthier inhabitants of any particular district an army of strangers, in order to stifle in their birth all signs of remonstrance or discontent, so far, in his opinion, from strengthening the bonds of society would be to weaken them, alienating the minds of the poor from the rich, exempting the latter from a principal motive to the well-being of the former, and impairing the only true security for peace and order which could rest upon no other good foundation than that of a reciprocity of advantages and attachment. It was said an organised police force would obviate the necessity of recourse to the military, and a distinction was drawn in favour of the former, on account of the less fatal character of their weapons than of the musket and bayonet; but there was a description of soldiers not armed with muskets and bayonets, he meant the mounted yeomanry. In the county where he lived that force had been preserved, and he well remembered hearing its commanding officer make it his boast that whenever they had been called upon they had performed effectually the service required of them, while their interference had, in no instance, been attended with the effusion of a drop of blood. Much was said in the report of the deficiencies of the parish constables and, no doubt, in great measure with justice; but those, also, of the unpaid magistrates were equally set forth, and appeared not less flagrant, nor, indeed, was it easy to use any argument against the one that might not apply to the other. But was the House prepared to abolish the unpaid magistracy? For his part he thought such deficiencies were a doubtful argument for the necessity of a more stringent system of police. The inexperience and inability complained of arose from want of practice—from the rarity of the occasion on which the village constable was called for, and proved more than any thing else the innocence of the neighbourhood where he lived. It was in the nature of self-government to improve with the necessity for it. Instances were cited of perplexity and confusion among magistrates and constables alike when the agricultural riots occurred in 1831, in the neighbourhood of Newbury. This was a consequence of the sacrifice attending such an unprecedented state of things. Surely it could not be necessary to organise and perpetually maintain an armed force to guard against such a contingency which, it was not probable, would ever happen again. We knew that he could not speak on the subject in connexion with political liberty without risking the imputation of vague and puerile declamation; and yet this was a point which ought not to be left out of consideration. He would content himself, however, with observing that the principal difference between the new force and a new standing army was one little to the advantage of the former, for it was without the constitutional security of an annual vote for its maintenance; once called into existence by the county magistrates it was to be continued at the arbitrary will of the Secretary of State by means of funds over which the people had no control.

Mr. *Hume* said, there was great dissatisfaction on account of the increased county-rates, owing to the bill of last year; but that was because there was no responsible control over them. Though he objected to such a state of things as that, was he to allow the country to remain under the old system of want of protection? With a proper superintendence, he thought the expense of the police would not be half of what the expense was under the old system. But he thought the whole police of the country ought not to be put under the control of the Home Secretary of State. He should give his support to the bill.

Lord G. *Somerset* said, it was most important to have such a police as should fairly protect parties and property; but it was important, on the other hand, to consider whether that object could not be effected by a more economical system than that which was adopted last year. Let the whole case be referred to a select committee, and if they could devise a more economical method, let the House adopt that rather than botch the system that was now in existence, and which left the House only the alternative of either having a very expensive or a very ineffective system of police. Where there was a very dense population it might be desirable to have a very stringent system of police. The bill of last year was not carried into very general execution, because it had not the concurrence of a very large portion of the rate-payers as it was constituted. The expense of the police fell on the county-rates, which were chiefly paid by the landed interest, and it was the manufacturing population which gave occasion to the employment of that police. It was a great hardship to force the agricultural villages to contribute three-fourths more than was required for the protection of their own district. He did not think it necessary to have the same police machinery in the agricultural districts, where there was but a population of ten to the square mile, as in the manufacturing districts, where the population was 100 to the square mile. He hoped the House would consent to refer the bill to a select committee.

Mr. *F. Maule* considered the amendment of the right hon. Gentleman opposite tantamount to closing this measure against any further consideration. It appeared to him that the whole course of the right hon. Gentleman's speech tended rather to throw an impediment in the way of their perfecting the present law. When they considered the period at which that act was passed, he was not prepared to deny that it was very natural to find considerable defect in the details. It was passed at a period when it was absolutely necessary to have some system of organized police in the rural districts; it was passed at the close of the Session, and certainly that consideration was not given to it which might have been under different circumstances. But very early this Session he had proposed to carry a bill into committee for the purpose of improving that system of police, which, notwithstanding all the objections made to it, he was sure in the long run would be approved, and from which the country would derive considerable benefit. It appeared to him that the right hon. Gentleman opposite would be content with something of a middle nature. He would make the present bad system of local county constables a trifle better than it was, and leave it to sink in a very short time into its present inefficient state. It was for the purpose of making a decided improvement in the old system of constabulary that these bills were now brought forward, and he thought that this amended measure, which the right hon. Gentleman proposed to refer to a select committee, contained clauses which would enable the measure contemplated last Session to be carried into effect at considerably less expense than was originally anticipated in the act of last Session. He should not enter at that moment into the details of the measure. It appeared to him, as far as he could gather the general sense of the House, that the fairest way of dealing with the question would be by going into Committee on the bill, and then discussing the clauses. If any hon. Member proposed a substantial amendment, he should be perfectly ready to discuss it in committee. He had endeavoured to give every consideration to the subject; he had introduced the bill in one shape; he had, upon representations he had received from the country, modified it into another shape; and if the principle of the bill was not meddled with, he should be ready in committee to modify it again.

Mr. *Darby* said, the evil of the bill of last year was, that it was not compulsory and he was of opinion that all the points urged against the measure, both by the magistrates and the rate-payers, could be best discussed by a select committee up-stairs. By that means prejudices which now existed might be removed.

Mr. *Hodges* said, that he should have been disposed at the commencement of the Session to consent to refer this bill and the measure which he had introduced, and which stood for a second reading to-night, to a select committee up-stairs; but at this advanced period of the Session he did not wish to risk the enactment of a measure necessary to amend the act of last year. He thought it due to the counties which had adopted the measure of last year, that without delay they should have the benefit of the amendments which the present bill proposed to make. With these feelings he should not be able to support the amendment moved by the right hon. Baronet.

Mr. *Plumptre* expressed his regret at being compelled to differ from the views of his right hon. colleague on the present occasion. He thought the Government bill would be of use in putting down the evils arising from beer-shops, and he also was of opinion that the objections to the bill on the score of expense were groundless, inasmuch as the magistrates of each district could check them.

The House divided on the original question: Ayes 105; Noes 39; Majority 66.

List of the AYES.

Adam, Admiral
Aglionby, Major
Alston, R.
Baines, E.
Barry, G. S,
Bernal, R.
Blackburne, I.
Blair, James
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Bramston, T. W.
Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Busfield, W.
Clay, W.
Collier, J.
Courtenay, P.
Cripps, J.
Currie, R.
Dalmeny, Lord
Eastnor, Viscount
Finch, F.
Gordon, R.
Greenaway, C.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Harcourt, G. G.
Hawes, B.
Hawkins, J. H.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Horsman, E.
Hoskins, K.
Hume, Joseph
Humphery, J.
Hutt, W.
Kemble, H.
Knight, H. G.
Labouchere, rt. hn. H.
Lascelles, hn. W.S.
Lister, E. C.
Lushington, C.
Lushington, Sir S.
Lynch, A. H.
Macaulay, T. B.
Marsland, H.
Martin, J.
Mordaunt, Sir J.
Morpeth, Viscount
Norreys, Sir D. J.
O'Connell, D.
O'Connell, J.
O'Connell, M.
Ord, W.
Paget, F.
Pakington, J. S.
Parker, R. T.
Parnell, rt. hn. Sir H.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Pigot, D. R.
Plumptre, J. P.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Roche, E. B.
Roche, Sir D.
Round, C. G.
Round, J.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sanford, E. A.
Sinclair, Sir G.
Slaney, R. A.
Smith, R. V.
Stansfield, W. R. C.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, J. H.
Thornely, T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
Williams, W. A.
Wilshere, W.
Wood, G. W.
Wynn, rt. hon. C. W.
Wyse, T.
Yates, A.

TELLERS.

Maule, hon. F.
Parker, J.

List of the NOES.

Bailey, J.
Bailey, J. jun.
Benett, J.
Blakemore, R.
Broadley, H.
Buller, Sir J. Y.
Burroughes, H. N.
Canning, rt. hn. Sir S.
De Horsey, S. H.
Drummond, H. H.
Duffield, T.
Egerton, W. T.
Estcourt, T.
Fitzroy, hon. H.
Freemantle, Sir T.
Gladstone, W. E.
Godson, R.
Halford, H.
Hector, C. J.
Hughes, W. B.
Ingestrie, Viscount
Jones, J.
Lennox, Lord A.
Mackenzie, W. F.
Maclean, D.
Marsland, T.
Norreys, Lord
Perceval, hn. G.J.
Rickford, W.
Rolleston, L.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Scholefield, J.
Sibthorp Colonel
Somerset, Lord G.
Thornhill, G.

Tomline, G.	TELLERS.
Williams, W.	Knatchbull, Sir E.
Wood, Col. T.	Darby, G.

On the question that the Speaker do leave the chair,

Mr. *G. Knight* said, that this was the most fitting occasion that could occur for him to urge a suggestion he had to make. He found from the information already before the House that about 70,000*l.* per annum was paid out of the consolidated fund in aid and support of the metropolitan police force. Why should not the same principle be applied to the proposed general police force, and thus relief be given to the agricultural districts? There had been an hesitation to adopt the measure of last Session on the ground of expense; but if assistance was given in the way he suggested, it would ensure the general adoption, by all counties, of the measure. To effect any good, the adoption of the measure ought to be universal. He was well aware that he could not move such an amendment as that he suggested without the consent of the Crown; he hoped, however, that the noble Lord would not hesitate to signify that assent, and suffer the suggestion to be discussed and entertained.

Lord *J. Russell* was not prepared to give the assent of the Crown to the proposition of the hon Member.

House in Committee.

On clause one,

Mr. *F. Maule,* alluding to the amendment, of which the hon. Member for Bath had given notice, said that the proportion of one policeman to every thousand of population had not been acted upon heretofore, and he was of opinion that it would be better, as the bill proposed to leave the matter as to the numbers of the police force in the discretion of the magistrates.

Mr. *Darby* said, that though he admitted the magistrates were the proper persons to fix the number of constables, yet, that the proportion of one constable for every thousand of population would treble the amount of the county-rate; this, of course, would be greatly objected to by the rate-payers, and would be productive of evil.

Mr. *Hume* remarked, that the country would never consent to the appointment of an unlimited number of police; they never would acquiesce in such an unlimited power as the bill proposed to give to a single individual. He was induced to move at the proper time to strike out all the words after the enacting part of the present clause.

Sir *R. Peel* said, that the bill in its present form only dealt with those counties which were willing to adopt its provisions. If a county chose to adopt the provision of the bill, there would in that case be a power vested in the chief constable, when once appointed, to make any additional number which might be deemed necessary. What he wished was, that means should be provided of applying the same principle to counties, which did not require such cumbrous establishments. He was, therefore, desirous of seeing a clause introduced enabling the rate-payers of any parish, who wished to have a single police constable for the preservation of the peace, to have the power of making such an appointment. Such a provision would be useful where no large police establishment was required, but where one or two constables were desirable. Though small, such appointments would be effectual in a country where so much deference was paid to the law and to the legal authorities.

Mr. *L. Bruges* moved, as an amendment, at line 12, after the word "increase," to omit all the words to the end of the clause, and substitute the following words, viz., " or reduce the number of constables for their county, so that the number of such constables shall not exceed at any time, the proportion of one constable for every thousand of the inhabitants, according to the last census." A similar provision was in the last act, and was well calculated to prevent any misapprehension. To carry the object fully into effect, magistrates should be authorized from time to time to reduce the number of the police as occasion might occur.

Mr. *F. Maule* could not consent to any proposition for doing away altogether with a police force where it had once been established. No part of the country ought to be without the ground-work of such a force, however small the skeleton to which it might be reduced. The right hon. Baronet the member for Tamworth, had suggested, that a power should be vested in parishes of appointing one to two constables for the preservation of order, but then the question arose as to whom the persons thus appointed should be responsible? The great danger was, that they would soon become masters in their own right. Still, any suggestion coming from the right hon. Baronet was highly deserving of the utmost deference, and the hint would be attended to at some future period in the progress of the bill. As to the amendment now proposed, he did not think it at all necessary, and rather than adopt it, it would be better to omit the clause altogether.

Mr. *Darby* supported the amendment. He conceived that, as in some parishes the principal crimes were committed by gangs of depredators or thieves, the effect of this clause would merely be to drive those persons from one parish to another.

Sir *R. Peel* thought the bill would have the effect of driving such persons from one parish to another, as the parish to which they went would then be necessitated to establish a police force, and thus those persons would ultimately be got rid of. This country was undoubtedly out-growing the use of the old police. He would recommend persons to be sent down who were unconnected with the localities, and upon their becoming intimately acquainted with them, to have them removed elsewhere. If persons so appointed did not perform their duty, the parishioners would soon evince a disinclination to pay for their services. He thought it would be well that the application should be made in the first place to the Secretary of State.

Mr. *Slaney* observed, that where a county was divided into districts, some being manufacturing and others rural districts, it would be quite unfair to expect that the manufacturing districts should pay an equal proportion of the expense, if they did not require an equal number of policemen.

Clause was struck out.

On clause 11, which provides superannuation allowances,

Mr. *Hume* opposed the clause, and would divide the House against it.

Mr. *Williams Wynn* thought the clause an exceedingly beneficial one. Under the present system he had frequently known constables to remain in service when they were unfitted for the discharge of their duties.

The Committee divided on the clause:— Ayes 99; Noes 13: Majority 86.

List of the AYES.

Abercromby, hn. G. R.
Adam, Admiral
Alston, R.
Bailey, J.
Bailey, J. jun.
Baring, rt. hon. F. T.
Beamish, F. B.
Bewes, T.
Blackburne, I.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Burroughes, H. N.
Busfeild, W.
Cavendish, hn. G. H.
Chalmers, P.
Clay, W.
Clements, Viscount
Compton, H. C.
Dalmeny, Lord
Darby, G.
Eastnor, Viscount
Egerton, W. T.
Estcourt, T.
Fitzroy, hon. Henry
Fremantle, Sir T.
Gordon, R.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Halford, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Hodgson, R.
Holmes, hon. W. A'C.
Horsman, E.
Hughes, W. B.
Hurt, F.
Hutt, W.
Ingestrie, Viscount
Ingham, R.
Jones, J.
Kemble, H.
Knight, H. G.
Lennox, Lord A.
Lincoln, Earl of
Lynch, A. H.
Mackenzie, W. F.
Maule, hon. F.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
Norreys, Sir D. J.
O'Connell, J.
O'Connell, M.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Pease, J.
Pendarves, E. W. W.
Perceval, hon. G. J.
Plumptre, J. P.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Roche, Sir D.
Rolleston, L.
Round, C. G.
Rundle, John
Rushbrooke, Colonel
Rutherfurd, rt. hn. A.
Sandon, Viscount
Sanford, E. A.
Scarlett, hon. J. Y.
Sibthorp, Colonel
Slaney, R. A.
Smith, R. V.
Stanley, hon. E. J.
Stansfield, W. R. C.
Strutt, E.
Talbot, J. H.
Thornely, T.
Verney, Sir H.
Vigors, N. A.
Warburton, H.
Welby, G. E.
Williams, W. A.
Wood, G. W.
Wood, Colonel T.
Wynn, rt. hon. C. W.
Wyse, T.

TELLERS.

Parker, J.
Tuffnell, H.

List of the NOES.

Aglionby, Major
Benett, J.
Buller, Sir J. Y.
Duncan, Viscount
Ewart, W.
Finch, F.
Godson, R.
Hodges, T. L.
Hume, J.
Knatchbull, right hon. Sir E.
Nicholl, J.
Pechell, Captain
Scholefield, J.

TELLERS.

Johnson, General
Hector, C. J.

Clause agreed to, as were also the clauses 12 to 16 inclusive.

The House resumed, the Committee to sit again.

HOUSE OF LORDS,

Friday, June 19, 1840.

MINUTES.] Bills. Read a first time:—Canada Government; Church Discipline.—Read a second time:—Tobacco Regulations.

Petitions presented. By Lord Kenyon, from a place in Devonshire, against the Irish Municipal Corporations Bill; and from the Sword-bearer and Marshal of the city of

Dublin, for Compensation should that Bill pass.—By Earl Delawar, from several places, against the same Bill, and against any further Grant of Money to Maynooth College.—By the Bishop of Winchester, from several places in his Diocese, against Sunday Trading.—By Viscount Gort, from Individuals of Cork, for Compensation should the Irish Municipal Corporation Bill pass.—By the Earl of Winchilsea, from Kingston, against any further Grant to Maynooth.

MUNICIPAL CORPORATIONS (IRELAND).] On the Order of the Day for the House to go into Committee on the Municipal Corporations (Ireland) Bill,

The Bishop of *Exeter* said, there were circumstances connected with this measure which rendered it impossible for him to agree to go into Committee on it. Feeling as he did on the subject of this bill, he could not permit himself to consent that it should go through any further stage. He considered the bill as one pregnant with the most serious mischiefs to that Church to which it was his happiness and pride to belong; and, feeling that the bill must inevitably produce such effects, he considered it to be his duty to offer to it all the opposition in his power. He thought the fact, that the measure was calculated to injure the Protestant Church was too plain to require any arguments to convince those who considered the question coolly and deliberately in all its bearings. When he heard it asserted, that the Protestant Church could not, in any degree, be endangered by this measure, he begged leave to remind their Lordships that the bill would increase, greatly increase, the power of a very large body of persons in Ireland—of persons who were not only not members of the Church of England, but who were acknowledged to be fiercely opposed to that Church. The number of corporations that would be immediately affected by this bill was very large; but, large as it already was, that number might be still further increased, to a very great extent. Why, every town in Ireland having 3,000 inhabitants might, hereafter, under this bill, if the Minister of the Crown pleased, become the seat of a municipal corporation. A great number of corporate bodies might thus be created by the Minister under this law, bodies hostile to the Church, and who would, therefore, be anxious to use and exert all their newly-acquired powers to do injury to the Church. Let him remind their Lordships how this bill would act, by reference to what had occurred in the corporation of Tuam. That corporation was thrown open; and what was the consequence? Why, that it was completely in the power of the Roman Catholics; and, amongst other proceedings, they had appropriated all the funds of the corporation to the support of the Roman Catholic cathedral in that city. Yet the commissioners, in their report, had the confidence to recommend that the course adopted with reference to Tuam, should be acted on as the general rule for all the corporations in Ireland. To show that such was the fact, he should read an extract from their own report, under the head of "Tuam." After saying that all the corporation are "Roman Catholic," the commissioners proceeded to observe, that

> "No particular individual can be pointed out as exercising paramount influence in the corporation since the change of its members in 1811, and the proceedings of the Sovereign and free burgesses are of a more popular character than those of any other corporate body which we have visited. The admission of the commonalty to some share in the corporate proceedings, and the perfect freedom from religious distinction between the free burgesses and the great majority of the community, are strongly calculated to prevent the dissension which too commonly prevails in other places between the corporation, so called, and the inhabitants."

In other words, the tyrant majority of Roman Catholics was so great that the Protestant minority would not, and could not, have the slightest chance of successfully opposing any of their measures, however detrimental they might appear to be to the Established Church. Such was the opinions of those commissioners who set up the corporation of Tuam as that which was to be the rule for all other reformed corporations. But it was said, that amendments would be introduced of such a nature as to secure a just property qualification, by which the apprehended evils would be, in a great degree, avoided. But, if any one fact was more clearly and decidedly proved than another, it was, that a property qualification in Ireland was a mere delusion, and could never be taken as a fair representation of the property and intelligence of the country. In the first place, no possible mode could be adopted for ascertaining a real property qualification; and in the next place, if they had a property qualification of 5*l.*, or 8*l.*, or 10*l.*, they must see, by what had occurred under the Reform Act and under the Poor-law Act in Ireland, that the qualification afforded no guarantee of independence, when the parties were so completely under the control of the priests as they were in that country—when, in fact, they were obliged to act as the priests directed. The hon. and learned Member for Dublin said two or three years ago, in another place, that he wished to transform the corporations into normal schools of popular agitation. Therefore, if this bill were passed, they were likely hereafter, in every town consisting of 3,000 inhabitants, to have a normal school of agitation, creating confusion and disorder throughout the country. The hon. and learned Member for Dublin, speaking of corporations in Ireland, had said, "Give me corporations as I wish them to be, and I will secure every thing else." He trusted, therefore, that their Lordships would not, by passing this bill, place great and extensive power in the hands of those who were likely to make an evil use of it. There was a very great difference between meeting agitation that was exercised in a disorderly, irregular, and illegal manner, and that which might be practised under the sanction of law. If this bill were passed, then the law of the land would favour agitation in Ireland, for it was said, that these corporate bodies would be normal schools of agitation, encouraging other bodies of agitators in every part of Ireland. A few years ago, the Minister of the day came down to Parliament and said, that in consequence of the dangerous agitation which prevailed for the repeal of the Union, it was necessary to apply to the Legislature for a Coercion Act. Would any Minister, he wished to know, come down to Parliament and ask for a Coercion Act in consequence of any agitation for the repeal of the Union, however violent, that might be carried on in the corporations created under this bill? No; it would not be endured that corporations coming forward, and trying by constitutional and legal means to effect the favourite object of the agitators in Ireland—the repeal of the union—should be interfered with. The new state of things created by this bill would alter the case; and no Minister would dare to ask for power to put down this agitation. Why was the present bill to be passed? Where was the necessity for it? He hoped it would not be argued that to pass it was for the purpose of conciliation. He could say from experience and conviction that true conciliation was the policy which wise and good men were always anxious to adopt. But he confessed that he was no friend to that false and spurious sort of conciliation, which sought to silence an enemy whom they feared to oppose—that sort of unsatisfactory conciliation which implied that they were too weak to withhold anything that might be demanded from them by their opponents. That species of conciliation he did not admire; he was sorry to see that such a policy was now acted on. But the meaning of that course of proceeding was now so well known, that the word "conciliation" was scarcely ever adopted as a plea for making any demand on the Government. It was said, that the people of Ireland had a right to possess corporations, as they were possessed, and because they were possessed, by the people of England and Scotland. But it should first be ascertained whether the population of Ireland was fit for them; whether the condition of the people of the two countries was the same. Because, if it were not, that which might be beneficial in England and Scotland might be the very reverse in Ireland. Corporations in England and Scotland had grown up and been established for the protection of commerce—for the security of property. They were cherished by wise governments to prevent the arbitrary invasion of rights by feudal Lords, and to guard against the encroachments of the Crown. They were upheld by the people of England and Scotland as guardians and protectors of public property. Certain persons, however, now held, that even in England and Scotland the period had passed by for corporations; and, without agreeing in the opinion, he might remind their Lordships that Adam Smith had said, that in all countries which had arrived at maturity it was better that corporations should cease. But, without arguing that point, it might be stated without fear of contradiction, that with whatever object corporations had originally been established in England and Scotland, they were from the first established in Ireland for very different purposes. They were, in fact, founded on the principle of exclusion. They were established for the especial assistance and support of those who were settled in towns, and who were exposed to the attacks of the Irish, the latter being at all times ready to endeavour to throw off what they conceived to be an ignominious yoke. The new settlers were in a hostile country, and the Crown granted them those privileges to enable them to maintain themselves — against whom? Against "the Irish and the King's other enemies." Exclusion was, in fact, the great principle of the Irish Municipal Corporations; and they answered the purposes for which they were created. The ancient corporate towns were fastnesses against "the Irishry;" and "murage," that was, customs for the expense of maintaining the walls, was an ordinary privilege under the ancient charters. To prove that his statement was perfectly correct, he would read the heads of several charters. Henry 5th in a charter recited,

"That the town of Balygavoran, in the county of Kilkenny, in the march of that county, was situate far from the aid of the English, and surrounded by Irish enemies, who had lately burned it, granted to the burgesses and commons certain murage and pavage customs for a term of forty years."

New Ross, by a charter of 1 Henry 5th, had

"A special privilege to treat and traffic with the Irish enemies."

The charter of 1 Richard 3rd,

"Grants licence to pursue the Irish enemies who carry off the settler's property, and to make reprisals from them."

The same charter forbids

"A burgess holding a tenement to let the same to strangers, without permission of the sovereign, and forbids Irishmen to reside in the town without licence, and the registration of their names."

The charter of Henry 6th to Waterford,

"Grants 30*l.* per annum out of the fee farm of the city for thirty years for the repairs of the walls and towers. No lieutenant or other lord to bring into the said city any Irish enemies, English rebels, &c."

Richard 2nd (A. D. 1389), by charter to Kinsale,

"Exonerated the commons of Kinsale (the town being in the marches, among the Irish enemies and English rebels) from attendance on wards, musters, and Parliaments."

Henry 5th, in his charter to Limerick, recites "services of the citizens against the King's Irish enemies granted," &c. The same charter directs,

"That no one of Irish blood or nation should be mayor, or exercise any other office within the city, and that no person should take or maintain any man or child of Irish blood and nation, as apprentice, on pain of losing his franchise."

Richard 2nd, by charter,

"Granted towards the fortification of Trim, where all the fideles of the county of Meath were congregated, certain tolls," &c.

The ancient charters of Dublin repeatedly recited the services of the citizens against the King's enemies. James 1st incorporated forty towns, and the charters recited that they should maintain a certain number of soldiers to protect the towns against the King's enemies, and all those corporations were empowered to send Members to Parliament. An ancestor of a noble Earl opposite (the Earl of Enniskillen) was authorized by James 1st to form the town of Enniskillen. By letters patent dated the tenth of James 1st, the grantee was bound, within four years, to erect a town at Enniskillen. And the letters set forth, that

"He shall bring, or cause to be brought, in or to the said island of Enniskillen, twenty persons, being English or Scotch, and chiefly artificers and mechanics, to make, erect, and construct a town; and the said William Cole was bound within the aforesaid four years, to procure the same persons to be incorporated into one body politic, to endure for ever, as is necessary for the defence and security of the town aforesaid, as well for the defence and protection of all our faithful liege subjects there inhabiting, as for repressing and restraining rebels and other our enemies whatsoever,"

Within nine months afterwards the charter of incorporation issued, constituting the town a borough, with right to return Members to Parliament. The charter of Jamestown county of Leitrim—

"Incorporates the land mentioned in the charter, under the names of the 'borough and town of Jamestown; the said town to be built, erected, and made in the most convenient place of the said lands, which shall be next adjoining the river, called the Shannon."

In like manner at Killybegs, twenty houses and a church were to be built in four years; five in each year. The mayors were to take the oath of supremacy. Charles 2nd. gave a charter to Longford, in the county of Longford which recites—

"That the Lord Aungier intended to plant and settle the same in the hands of the King's English and Protestant subjects, and for the better planting the same, and for the better encouraging the King's English Protestant subjects to settle the same, incorporates it, &c., the Sovereign to take the oath of supremacy."

The charter of James 1st. to St. Johnstown Donegal, directed that the grantee, the Duke of Lennox, should within four years bring thirteen English settlers, &c. It contained a clause making void the grant, if the Duke should alienate or demise the premises to the mere Irish, or to any who should not have taken the oath of supremacy within a year previous. With respect to St. Johnstown, county of Longford, Charles 2nd's charter ordered, that there should be a town founded on some part of the four score and six acres granted; that it should be a borough; and the grant should be void, if premises were aliened for a longer term than forty years to any of the mere Irish, or who should not be sprung of the English or British stock or race. Thus, it appeared that from first to last those corporations proceeded on the principle of exclusion. That such a principle should be acted on was very natural, when they found that the whole province of Ulster had been forfeited for three successive rebellions. It was, therefore, not extraordinary that power had been all along refused to those who were decidedly hostile to the Crown of England. Not only, therefore, was property given to the settlers, but privileges were conferred on them to enable them to enjoy and maintain that property. The plain fact was, that the charter of almost every corporation in Ireland was granted with a view to sustain the British and Protestant connexion. It had been said, when it was proposed to extinguish these corporations, instead of new modelling them, that that would not be a conservative measure. But he contended that the extinction of those corporations would be a conservative measure, compared with merely preserving the name, and wholly destroying the principle on which they had been founded. He had heard with great regret that it was the intention of the noble and learned Lord (Lord Lyndhurst) to introduce certain amendments which would put the bill in the same position as the bill of last year—at least, though the noble and learned Lord had not exactly said so, yet such an interpretation might be placed on his words. He regretted the noble and learned Lord's intention, because he did not think that the bill could be so framed as to afford proper security for the Protestant Church. Here he might be permitted to say, and he said it with the most unfeigned sincerity, that he felt the highest respect for the noble and learned Lord, that he felt as high a degree of respect for him as he could feel for any man. But he admired him for his talents, which were of the first order, and for his principles, which were of the most firm and honourable character. He thought that the Protestants of England, but more especially the Protestants of Ireland, had a serious claim on the consideration of the noble and learned Lord, and he hoped that he would be guided on this occasion by a just view of the situation in which they were likely to be placed by this measure. Many of their Lordships must deeply deplore the legislative arrangement which had been adopted with regard to the temporalities of the Established Church in Ireland. They must also deplore that still earlier concession, of which the Roman Catholic population of Ireland had since done so much to prove that they were unworthy. He felt it to be a particular duty to take every possible means of protecting the Irish Church. And he appealed to the noble and learned Lord to second his exertions. He recollected the time when he was told, that if the Irish Church Temporalities Bill were passed, and the Roman Catholic population persisted in their treacherous and unprincipled assaults on the Church, the very Ministers who proposed it would be prepared with some more stringent course to stop the agitation against the Church in Ireland. Circumstances had interposed to prevent the fulfilment of that promise, else he thought that the pledge would have been faithfully and honourably redeemed. The Reform Bill was carried; and by extending its provisions to Ireland, an enormous increase was made to the Roman Catholic influence. If Roman Catholic power was thus inevitably increased at that period, surely it was the duty of every honest Protestant to prevent every increase of that power, which no one could doubt would be employed against the Established Church. He could not over estimate the influence which this bill, if passed into a law, would enable the Catholics to exercise in Ireland. If the noble and learned Baron opposite thought that this was a good bill for the Protestant Church of Ireland, and that his duty urged him to contribute to passing it, let him do so. But if, on the other hand, he thought it a bill which might in any degree tend to weaken the influence of that Church, he called on him by every consideration most sacred in his eyes, to resist it to the utmost of his power. The noble Duke had said, two years ago, that he would not give his consideration to the Irish Municipal Bill until he saw two things done—namely, a property franchise established, and the safety of the Church secured with regard to tithes. Looking at these two points, he ventured to intimate that the noble Duke could not think that either of them had yet been obtained. There was obviously anything but a real property franchise; and the little artifices of the supporters of the bill upon this subject had been ably exposed last year by the noble Duke. With regard to the Tithe Bill, what had happened? Had that been found, in point of fact, to provide any security to the Church of Ireland, even for the possessions remaining to her after that act of spoliation? Was there no danger in her present position? They did good in preventing the Irish peasants from starving the ministers of the Established Church under the dictation of their priests; but had they given to the Church anything like solid security? Why, a noble Lord in another place had rejoiced at the bill, expressly because it lessened the security of the Church in Ireland, and was shortly afterwards selected to represent her Majesty in person. He alluded to the present Lord-Lieutenant of Ireland. He did not know whether that noble Lord was now in his place or not, but he wished that he were. Another noble Lord, who was an officer of her Majesty's household, had encouraged the people to agitate against the tithes. Was this a specimen of the security which the Irish Church was to have for her possessions? It was perfectly frightful to contemplate the envenomed hostility of which that Church was the object. An individual, who was a Member of the other House of Parliament, and to whom he would not allude but that it was absolutely necessary, had made the following statement lately in an address of the National Association of Ireland to the people of Ireland, which address was signed "Daniel O'Connell, Chairman of the Committee:"—

> "The ecclesiastical state revenues of Ireland are applied to the Church of a comparatively very small minority of the Irish people. This is a master grievance: whilst it continues, there may be a parchment or a legal union, but there is no real union. To redress this grievance is the first and greatest object of our association."

This address had been widely circulated; a copy of it had been sent, he believed, to every one of their Lordships. He had received a copy from Dublin, forwarded, apparently, by the Association. He must, therefore, do that with unwillingness which he felt that the occasion made necessary, as he entertained no hope whatever that the offence would not be repeated. Now, what was the oath which had been taken by this individual, who thus proclaimed himself bent on destroying the Established Church in Ireland? It was this:—

> "I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, as settled by law, within this realm; and I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom; and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever."

The word "Establishment" was wisely introduced into this oath to prevent any person from availing himself of the miserable quibble (which had, nevertheless, been attempted) of denying that the Church itself was assailed. "Observe," this person had said, "I don't mean to attack your Church, but your property." But what he had sworn was not to subvert the "Establishment," in other words, the property. The solemnity of the latter part of the oath made it painful to any mind to contemplate that such an oath should have been violated. He asked their Lordships, or any one of them, to get up (and if any Member of their Lordships' House entertained such an opinion he hoped to hear his reasons) and state whether he did not consider that the individual who had taken the oath contained in this paper had grossly perjured himself. Upon a former occasion he (the Bishop of Exeter) had been told by the noble and learned Baron the Chancellor of Ireland, that

> "To make a charge of this description was to charge all those who supported that individual with subornation of perjury."

To be sure, he meant that. He had intimated somuch then, and he repeated it now. He did not hesitate to state his belief that every individual who was cognizant of this gross violation of a sworn pledge taken by that person—every one who did anything to increase the power of that individual, or showed him favour—was guilty of subornation of perjury. They had been told that, in another House, another noble Lord, very high in office, and only inferior in power to the noble Viscount at the head of her Majesty's Government, had, subsequently to the issuing of this proclamation of perjury and perfidy, spoken of the individual by whom it was signed as "esteemed by many." The noble Lord did not think proper to say whether or not he was one of those who esteemed him; but he said nothing whatever against that individual. The noble Lord proceeded to state, that he was "considered by most persons in Ireland to be the friend of his country." What! the individual who had stained his own soul with the crime of perjury, and, having done so, stained also the souls of those who were his supporters and adherents? What said this person about the present bill, in an address of the National Association prepared by him, and dated "April the 21st, 1840?"—

> "The corporations of England and Scotland have been long reformed; but so strong is the prejudice against Ireland, and the disposition of the British Legislature to refuse her justice, that even the Ministers of the Crown, who are favourably disposed towards us, cannot venture, with any hope of success, to bring in a bill to give Ireland the same corporate reform which is possessed by Scotland and England. A paltry and inferior measure is in tardy progress through the Legislature; should it succeed, it will be inadequate; should it fail, it will be an additional insult. In either case it will continue a grievance, rendering the union a mockery and not a reality."

This was the measure of conciliation and justice which their Lordships were called on that night to cook up and make palatable to that learned person. It was disgraceful to see them solemnly deliberating on the benefits of a measure which was absolutely repudiated by those whom it was intended to conciliate. In conduct like this he would not be a sharer; and he certainly would not say "content" to the motion.

The Duke of *Wellington* was desirous to address a few words to their Lordships, in explanation of the course which he intended to pursue. He had not been in the House when the arrangement took place, into which his noble and learned Friend below him had entered. It would tend greatly to the convenience of the House, if that arrangement were carried into execution. He hoped that his noble and learned Friend would present his amendments at once, that the House might have an opportunity of considering them. The right rev. Prelate's objections might be properly taken into consideration in Committee, or at the bringing up of the report. But it really appeared to him, that when both sides were agreed as to the particular mode of proceeding with the discussion, it was desirable that this arrangement should not be departed from.

The Bishop of *Exeter* observed, that it had been distinctly declared on the previous night, at both sides of the House, that the arrangement then made, must not be considered as pledging any noble Lord to consent to go into Committee. If this were the case, what had he done that either was strange or extraordinary? He had risen once or twice on the previous night, but hesitated and resumed his seat, thinking upon re-consideration, he might be able to consent to go into Committee. Reflection had, however, satisfied him, that unless by opposing this motion, he could not adequately discharge his duty to the Church of which he was a Bishop.

The Duke of *Wellington* disclaimed the intention of throwing any blame on the right rev. Prelate.

Their Lordships went into Committee. The preamble was postponed. Lord Lyndhurst proposed several amendments which were ordered to be printed; House resumed, Committee to sit again.

MINISTERS OF STRATHBOGIE.—THE GENERAL ASSEMBLY.] The Earl of *Aberdeen* rose pursuant to notice, to present a petition to their Lordships from the seven Suspended Ministers of the Strathbogie Presbytery. The case which he had to bring under the consideration of the House, was one which did not require any addition of high coloured statement to secure attention. A simple statement of the facts he was sure would be sufficient to secure for the petitioners the sympathy of their Lordships. When the petitioners brought this petition to him, he had informed them, that although he had seen great variety of opinions prevail on many questions which came before that and the other house of Parliament, he yet felt confident, that on this occasion there would not be one Member of that House or of the House of Commons, who would not feel the hardships and the cruelty of the position in which the petitioners had been placed. The circumstances of the case were simply these. In 1834, the General Assembly of the Church of Scotland passed an act, which was known as the Veto Act, by which the Presbyteries were compelled, if the majority of the male communicants of a parish objected to the settlement of a presentee, to reject that presentee without assigning any reason for that rejection. That Act was passed in 1834, and some time afterwards a vacancy took place, in one of the parishes comprised in the Presbytery of Strathbogie. To that vacant parish the patron presented Mr. Edwards; but the Presbytery not being political churchmen, took it for granted that the General Assembly were warranted by the law of the land in passing the Veto Act, and a majority of the male communicants having dissented to the choice made by the patron, they acted on the law of the Assembly, and rejected Mr. Edwards without assigning any reason for that rejection. Some time afterwards, however, a person who had been placed in a position similar to that in which Mr. Edwards found himself, brought an action in the Court of Session against the Presbytery by which he had been rejected, and the Court found that that Presbytery by rejecting the presentee without assigning any reason for such a course, had exceeded their powers and acted illegally. Their Lordships had afterwards affirmed the decision of the Court of Session. On that decision being given, Mr. Edwards, who had been rejected by the presbytery of Strathbogie, raised an action against the petitioners, and obtained from the Court of Session a decree enjoining the Presbytery to take him upon his trial and to proceed to his settlement. On receiving that decree, the petitioners, after the most mature consideration, expressed their intention to obey the decision of the court, and to act in accordance with what that court had determined to be the law of the land. On their expressing that determination, however, the commission of the General Assembly proceeded by decree to suspend the petitioners from the exercise of all the functions of their offices as ministers of the Church of Scotland, on the grounds that they had placed themselves in a state of contumacy towards the General Assembly by their expressed resolution to obey the law of the land. Against the proceedings of the commission, the petitioners determined to appeal to the General Assembly on its meeting, and in the meantime they obtained an interdict from the Court of Session suspending the execution of the decree of the commissioners. At the meeting of the General Assembly, the petitioners complained to that body of the decree which had been issued against them by the commission; but the Assembly affirmed the decree of the commission, and held that the commission had acted properly in suspending the petitioners. And now let him say a few words with respect to this commission before proceeding farther. Their Lordships were aware that the General Assembly sat but for a few days in each year, and formerly this commission consisted of a few members of that body, who sat to complete the business left unfinished by the Assembly. The commission, however, never entered upon the consideration of any new question, and its powers were of a very limited kind. In the present case, the commission had acted with all the powers exercised by the Assembly itself, and in fact, it was to be considered as nothing else than the Assembly making its sittings permanent. It was, therefore, for their Lordships to consider whether, in a constitutional point of view, such a body was to be allowed to assemble, and to act at times when every one of their Lordships understood the sittings of the Assembly to be terminated. This commission, as it was called, was not recognized by any law. In no statute was there any reference to such a body as existing under the law, and he had, therefore, referred to the proceedings of this commission simply as an indication of what their Lorships would have to contend with if it was not now dealt with in a timely manner. After the sentence of the commission had been pronounced against the petitioners, numbers of persons invaded their respective parishes, and were directed to perform the duties of the suspended ministers. But those persons were of a violent character in the Church, and had recourse in their preaching and in their addresses to the parishioners to topics calculated to inflame and irritate the people, and to alienate them from their established ministers. Though at first those persons met with congregations devotedly attached to their ministers, yet it was not to be wondered at, if, after successive attempts, considerable effect was in the end produced by their violent language and proceedings. Accordingly, feelings were excited in the district of Strathbogie, of the most painful description. Family was opposed to family, and even the members of the same family were hostile to each other, some taking the part of the suspended ministers, and others siding with the commission of the General Assembly. Every means was used to embitter those feelings, and the state of things which was at last produced, was almost incredible in a country so civilized as this. Placards, hand-bills, and addresses were circulated in great numbers, proclaiming the petitioners not only suspended for contumacy, but declaring at the same time, that the rites performed by them, such as baptism and marriage, were invalid and illegal. In short, the greatest excitements prevailed in the district, which contained a population of from 18,000 to 20,000 persons. Now, let their Lordships remember, that every act which those unfortunate suspended ministers had performed was recognised by the law, and yet such was the state to which they had been reduced, and such was the condition in which the district of Strathbogie had been kept since December. He believed no ministers of any church could have performed their duty more faithfully or zealously, or, with more moderation, than the petitioners. As he had before said, the petitioners had complained of their suspension to the General Assembly, and said, that body had pronounced, that they had been properly suspended, on the ground of contumacy. The Assembly, however, had appointed a committee of their number to confer with the suspended ministers, and to deal with them according to what they might consider right. The committee accordingly met the petitioners on several occasions, and at last agreed to a report, which they delivered in to the General Assembly. In that report it was stated, that the committee had had numerous and long conversations with the suspended ministers, and had received from them satisfactory explanations as to minor points. The committee added, that upon the whole, those conversations had left a deep impression upon their minds, that the suspended ministers, in acting as they had done, had not intended any disrespect to the Church judicatures, but were solely influenced by the conviction, that they were bound to submit to the decision of the civil courts. At the conference with the committee, the petitioners gave in a written statement, which was embodied in the petition, and which, although he should not trouble their Lordships by reading it at length, was, he could assure them, well deserving of their attention. The committee, at the nomination of their report, stated, that they could not conclude without expressing their gratification at the frankness and candour with which they had been received by the suspended ministers, and they added, that they would not abandon the hope that they might yet be brought to submit to the authority of the Assembly. The chairman of the committee also spoke in the highest terms of the petitioners, but, notwithstanding all these testimonies in their favour, the Assembly proceeded not only to continue their suspension, but to order the commission, if the petitioners did not retract and declare their intention within a specified time to disobey the law, to proceed to depose the petitioners. On these proceedings, the reflections of the petitioners would, he was sure, come home to the feelings of their Lordships.

"Your petitioners," they said, and the noble Earl read the following extracts from the petition, "find that they are actually suspended, and may be deprived of legal offices, established by law, because there is a judgment of the Supreme Court pronounced against them, which they are willing and ready to obey. They find that they are not only to be prevented from obeying this judgment, but to be punished and deprived of their rights, status, and functions, as ministers and members of the presbytery, because, under their oaths of allegiance, and as subjects of her Majesty, they desire to obey a judgment pronounced against them in that very character of ministers and members of Presbytery, and because, in the exercise of their rights as subjects, they applied for redress to the Supreme Court, which found the sentence of the commission to be unconstitutional and illegal.

"Your petitioners humbly trust that they will not be exposed to consequences and to punishments so severe and deplorable, because they are willing to obey the law. If they thought that their vows of obedience to the Established Church, and their duty as ministers and members of the same, were inconsistent with their duty as subjects, they would at once withdraw from the Church of their fathers; for, as ministers of the gospel, they could not place themselves in rebellion against the law. But they cannot understand how obedience to a judgment of the House of Lords and of the supreme tribunals of the country can be inconsistent with their duty as members of the Church established by law, or can be contumacy against a Church whose authority in regard to the settlement of ministers in the parishes of the establishment is that which statutes have recognised and ratified.

"Your petitioners submit, that this state of things, which may also soon occur in many other cases, requires the interposition of the Legislature, by whose statutes the duties on presbyteries of the Established Church of Scotland are imposed. The highest judicial tribunal of the country has decided what is the meaning, import, and effect of these statutes. The Supreme Court of Scotland has found that your petitioners are bound to perform the duty so declared, and have found that your petitioners, as ministers of parishes and members of presbytery, must enter upon the discharge of that duty. Your petitioners have done so. They will not resist and disobey the judgment of the Supreme Court. They submit that no body in the country can competently require them to set the law at defiance. But the General Assembly has found that the desire and attempt to obey the law is an offence against a Church established by the very same statutes which impose the duty above referred to. The General Assembly has tried to prevent your petitioners giving effect to the law, by suspending them from their offices, and have directed them to be accused of contumacy with a view to deposition, if your petitioners shall persist in obeying the law. Such proceedings bring before Parliament a state of matters which calls for immediate interposition and instant protection to your petitioners as dutiful subjects of her Majesty holding offices established by law.

> "May it therefore please your honourable House to take the premises into consideration—to apply such legislative remedy as the nature of the case requires, and to pass some statute by which your petitioners, who are acting in obedience to a decree of the Supreme Court, may be protected in the discharge of their statutory duty, and the Church courts be restrained from punishing or depriving parties of offices held under the laws of the country for obeying the decree of the Supreme Court, which gives effect to the statutes of the realm."

This was a state of things which he thought justified their Lordships and the country in looking to her Majesty's Government for some interference or redress. But no, his noble Friend opposite, at the head of the Government, was alarmed at the notion of doing any thing, the *dolce far niènte* was much more congenial to his noble Friend's disposition. It might be said to those Gentlemen who came to that House as petitioners, "You have the decree of the court in your favour, and the law will protect you." But if their Lordships gave such advice to those Gentlemen, what was the course which they should resort to? They should make an application to the court, and the court would no doubt take measures to punish those who would intrude ministers into their parishes, as well as any minister who should illegally perform the duty which these gentlemen had bound themselves to perform. And if the imprisonment of those ministers were to be the result of that proceeding, others would be found to follow their example, and forthwith would be the scandal of having the prisons filled with the ordained ministers of the gospel. The petitioners, however, feeling as ministers of the gospel and of peace, would not be instrumental in having recourse to such proceedings, which would have the effect of making the present state of things still worse. They had hitherto abstained from taking any strong measures, and, he believed, there was no likelihood of their being influenced to adopt them. He was convinced that the bill which their Lordships had lately read a second time would remedy the evil, and he believed that the petitioners themselves, aggravated as the grievance was of which they complained, would be satisfied with it as a remedy. He had little doubt, whatever might have been the violent language of the General Assembly, that it would be wrong to attribute violent motives to the clergy of the Church, or to suppose that they were the cause of the evil. The fact was, the General Assembly was governed by a few ambitious lawyers—and he had no doubt, if the measure to which he alluded were allowed to pass, that the great body of the clergy would acquiesce in its provisions. The opposition of the noble Viscount, to that measure, although made without any statement of the noble Viscount's reasons for opposing it, certainly altered his expectation as to its ultimate success. The noble Viscount could not deny, that the present state of things required that something should be done. Feeling that the bill then before their Lordships' House would put an end to the dispute, he should never cease to regret that the noble Viscount, without showing that he had any great objection to the bill, or that he took a warm interest in the subject generally, should not have considered it consistent with his duty to have given the bill his support. He might conjecture what his noble Friend's reasons were for withholding that support, but he would not detain their Lordships by stating what he felt upon that point. He could only say, that he believed those reasons were intimately connected with the petition he was presenting. If the noble Viscount declined to adopt the remedy which he proposed for a state of things which their Lordships must agree was monstrous and disgraceful to the country; he thought the noble Viscount was bound to come forward with some measure of his own unless he were satisfied to allow matters to remain as they were. He should conclude with no motion. He should merely present this petition, feeling persuaded that their Lordships would regard the case as he had thus shortly and simply endeavoured to state it.

The Duke of *Richmond* said, that, being connected with four of the parishes in which the ministers were suspended, and having been called upon by the noble Earl to bear his testimony to the character of the petitioners, he felt he should be deserting his duty if he did not assure their Lordships that, since he had become connected with that part of the country, he had had many opportunities of witnessing the zealous and efficient manner in which the petitioners had performed the arduous duties of the sacred office to which they had devoted themselves. Their Lordships might not be aware that those were not men who had been lately presented to the parishes, and of whom the parishioners were entirely ignorant. The first of those gentlemen whose names were signed to the petition presentedby the noble Earl had been forty years a parish minister, the next twelve years, the next fifteen, the next seventeen, the next fourteen, and the last only two years. Their Lordships could, therefore, easily understand that great inconvenience must have arisen from the circumstance of ministers going to those parishes with the order of the commission of the General Assembly, and suspending these men with whom they had been so long intimately acquainted. The ministers who had been so sent by the General Assembly, had not, as his noble Friend had truly said, contented themselves with discharging their duty, but had harangued the people from the inns, and posted placards in every part of the parishes, containing reflections upon the suspended clergymen. He felt that the General Assembly, in directing and authorizing this, had exceeded their powers, and he could not understand how the Government could refuse to take it into their most serious consideration. He had taken the trouble to inquire into the nature of the Veto Act which had led to the present state of things, and he had come to the decision that it owed its origin to a resolution of the General Assembly, passed in 1833, whereby they increased their numbers. So far as the petitioners were concerned he felt convinced, from information he had received from tenants of his own, as well as from public meetings which had been held in the different parishes for the purpose of recording the sympathy of the people towards those gentlemen, that their suspension could not have taken place in consequence of anything that could be alleged against their conduct or character.

The Marquess of *Breadalbane* observed that the General Assembly, considering itself by law to be the supreme ecclesiastical court, felt that, in the exercise of its supremacy, it was bound to see that its decrees were obeyed by the inferior courts. That was in fact the whole question. Under the present circumstances of the case, it would be premature just now to call upon their Lordships to take any proceedings. The parties were in the hands of the courts, and the proper mode would be to let the courts decide upon the question according to the law.

The Earl of *Haddington* deeply sympathized with gentlemen who were placed in so unfortunate a position as that of which the petitioners complained. With respect to what had been said as to leaving this question to the courts, it should be remembered that the courts were no parties to the transaction, except for the purpose of expounding the law. In that exposition the courts might be right or they might be wrong; but if their exposition of the law were found to be wrong, an appeal against their decision could be made to their Lordships. The present petitioners had acted with the utmost caution, and to the best of their judgment, under circumstances of peculiar difficulty. If they had not acted in close accordance with technicalities, it was not much to be wondered at. If the bill of his noble Friend (the Earl of Aberdeen) were passed, it would set the matter at rest, and put an end to the scandalous scenes which had already taken place, and which were still likely to continue in that devoted district. If the bill passed into a law, it was not at all likely that the General Assembly would proceed to the extent of suspending or dispersing those gentlemen for voting in accordance with what was the declared law of the land. He would go as far as any one of their Lordships in endeavouring to maintain the spiritual independence of the church of Scotland, but he could not bring himself to think that any matters, merely civil in their nature, were included in that term. The petitioners were very severe sufferers through the course which had been pursued towards them, and their parishioners were also sufferers in being deprived of their ministry. He would not further trespass on their Lordships than to express his hope that his noble Friend would see such a chance for the passing of his bill into a law, as might induce him to persevere in pressing it through Parliament.

Lord *Brougham* was desirous of avoiding any of the points connected with this question which might be likely to come before their Lordships in their judicial capacity. With respect to the petitioners, their case was an exceedingly hard one, and there was no foundation whatsoever upon which to allege that they had gone out of their way or done anything unnecessary, for it had not been denied that they were bound by law, not only to do what they had done but even to go beyond it at some time or other. He should like to know how it was that the conduct of the petitioners, in the course which they had so cautiously and so unwillingly pursued, could be pronounced premature and unnecessary. Had they abstained from obeying the commands of the court of law, they would have been punished for contumacy, but so far from going out of their way or acting prematurely, they had on the contrary stopped short of their obedience to the court. So far from acting prematurely, they had performed that which was their duty in rather a confined and qualified manner. For this obedience to the law, they had been visited with the punishment of suspension by the Ecclesiastical Court, and they are suspended for a contumacious violation of the sentence of the Assembly, and that suspension was to continue until they expressed regret for having rendered obedience to the law of the land. He abstained from saying more on the present occasion, for he believed there did not exist either in that or the other House of Parliament a single individual who could say he conscientiously thought that those proceedings were either legal or justifiable.

Viscount *Melbourne* entirely agreed in the feelings expressed by all noble Lords that had spoken upon the hardship upon these petitioners. They were deprived of the power of doing good, though they were still in possession of their temporalities. They were, however, suspended in the performance of their spiritual duties, and it was impossible not deeply to lament those circumstances. With respect to any redress which it was possible for this House to afford, it could only be done by a legislative measure; therefore, the question now before the House was reduced to the same question as had already been discussed, and the difficulties were the same as then existed. It was the question, whether or not they should pass his noble Friend's bill or some other bill on the subject. His noble Friend complained that he had not brought forward any measure, and seemed to intimate that it arose from his habitual, his constant indulgence in the *dolce far niènte*. Now he had lived long enough in the world to know, and had sufficient experience in public life to be fully aware, that the *far niènte* was not always the *dolce*, and that it was sometimes less irksome, less painful, and less troublesome, to act or bring forward measures than to abstain from doing so. He felt strongly the situation of these petitioners, and also all the evils which had arisen from the present state of things, but he did not see how the House could give redress in the manner suggested.

The Earl of *Aberdeen* held it to be the first duty of the Government to maintain the peace of society; and, looking to the state of Scotland, arising from this agitation, he thought the Government had been guilty of an abandonment of duty in not having, at least, made some attempt at a remedy.

Petition laid on the table.

HOUSE OF COMMONS,

Friday, June 19, 1840.

MINUTES.] Bills. Read a first time:—Sugar Duties.

Petitions presented. By Mr. Gillon, from Edinborough, and other places, against any additional Grant to the Church of England, and for the Separation of Church and State.—By Mr. Baines, and Mr. Briscoe, from Dewsbury, and Warminster, against Church Rates.—By Mr. Hawes, from persons in the Metropolis interested in the Coal Trade, to remove the Conservancy of the Thames from the Corporation of London.—By Captain Alsager, from Clapham, in favour of Church Extension; and from the London Protestant Association, against the College of Maynooth.—By Mr. Thesiger, from certain persons formerly in the Service of the East India Company, for Increased Superannuation.—By Mr. Thorneley, from Wolverhampton, for an Equalisation of the Sugar Duties.—By Mr. Liddell, from Durham, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Brocklehurst, from Cotton-spinners in Lancashire, for the Repeal of the Corn-laws.—By Mr. Stansfield, from the Attorneys of Huddersfield, for the Removal of the Courts of Law.—By Mr. Greg, from Richmond, against Church Extension.—By Mr. O'Connell, from Blackrock (Kilkenny), against Lord Stanley's Bill; from Tralee, in favour of the Repeal of the Corn-laws; from the Fishermen of the Eastern Coast of Ireland, for Protection; and from Boston, and other places, against Church Rates, and Church Extension.—By Sir D. Roche, from Limerick, against the Tax called Ministers' Money.—By Sir R. Inglis, from Northampton, for Church Extension.—By Mr. Baines, from Morden (Surrey), against Encouragement of Idolatry.—By Mr. J. Martin, from Tewkesbury, against Church Rates.

JEWS OF DAMASCUS—JAMAICA.] Sir *R. Peel* said, that not seeing the noble Lord, the Secretary for the Foreign Department, in his place, he begged, instead of putting a question to the noble Lord, the Secretary for the Colonies, with respect to the present condition of the Jewish population of Damascus, to make an appeal to the British Government to exercise such influence as it could exercise, in order to ensure to those persons impartial justice. He would, however, ask a question of the noble Lord, the Secretary for the Colonies. He had seen in the public papers a document which purported to be a dispatch from the Governor-general of Jamaica. In that dispatch there was a passage, which was an extract from the address of the Governor-general to the Speaker and the Gentlemen of the House of Assembly and the Gentlemen of the Council, in which the Governor-general congratulated them upon the happy termination of the Session, during which they had eminently manifested their loyalty to the Queen, and their earnest desire to meet the views of her Majesty's advisers, as well as their devotion to their public duties. The Governor also expressed his sincere gratification at the determination which they had evinced to adapt their constitution to the altered position of society. He wished to ask the noble Lord, whether this document was authentic?

Lord *John Russell* said, that on the subject first adverted to by the right hon. Baronet, he could only say, that it had received great attention from his noble Friend (Lord Palmerston), and he had no doubt his noble Friend would give the same answer to the right hon. Baronet when he was present. With regard to the second question, he believed that the document referred to by the right hon. Baronet was a faithful counterpart of the Governor's speech. He must add, that her Majesty's Government felt great gratification, upon the whole, with the conduct of the House of Assembly of Jamaica.

Sir *R. Peel* said, that the object of his first question was not to impute any blame whatever. He had risen merely to state that he had received accounts of shameful cruelties having been inflicted upon the Jews of Damascus; and he thought that the British House of Commons was not an unfit place to make an appeal to the British Government to exercise whatever influence it possessed to ensure an impartial administration of justice. Tortures had been inflicted upon that unfortunate people, he feared with the connivance of some Christian authorities, which reflected disgrace and dishonour on the age in which we lived.

REGISTRATION OF VOTERS (IRELAND).] Lord Stanley then moved the Order of the Day for a Committee on the Registration of Voters (Ireland) Bill, No. 1.

House in Committee.

On the first clause,

Lord *Stanley* said, that it would be necessary, in consequence of the late period of the Session at which they had arrived, to make some alteration in the dates with which he had proposed filling up the blanks in this clause. The duties which would be devolved upon the clerk of the peace by virtue of this Act would be very laborious, and required a very considerable time to execute. By the wording of the bill, as it had originally been framed, it would have been required of the clerk of the peace to complete those duties by the 25th of July. But looking at the period of the Session at which they had arrived, and the degree of progress which they had made in this bill, and which, looking at all circumstances, he thought they were likely to make in it, he thought it would be quite impossible, if the bill should pass into a law in the present Session, that the clerk of the peace could perform the duties allotted to him by the 25th of July. He should, therefore, propose to postpone the operation of the Act for one year, after its passing into a law, and to fill up the blank in the clause with the date "First day of November."

Viscount *Morpeth* said, he had an amendment to propose, which occurred previous to the date; namely, at the 7th line, after the word "that." He admitted that it was very early in the business of the Committee to attempt an amendment, but with his own views of the principles of this measure, and the time and circumstances under which it was introduced, and feeling the excitements which prevailed amongst the great bulk of the Irish on this subject, and the effects which he could not but apprehend would result from the enactment of this bill, he owned that he was not sorry to bring whatever appeared to him exceptionable in the details or the principles of the measure under the consideration of the Committee at as early a period as possible, in order to bring the main points concerned to a speedy issue. The very first clause, he might, indeed, say the first line, appeared to him to give the fairest possible opportunity for such a course, an opportunity which his sense of the effect and the character of the bill rendered it imperative on him to avail himself of. It seemed to him, that the first clause in its practical and virtual effect, he would not say in the intention of the noble Mover, exposed to disfranchisement all the existing constituencies of Ireland. The first clause enacted, that

> "Notwithstanding any law now in force in Ireland, no person whatsoever shall, on or after the first day of November in the present year, be entitled or permitted to vote at any election of a Member or Members to serve in Parliament for any county, city, town, or borough in Ireland (the University of Dublin only excepted), unless such person shall have been duly registered according to the provisions of this Act."

It seemed to him that the propriety of subjecting all the existing rights of voters in Ireland to the forms of registration enjoined by the bill should depend on the sense which the House might entertain of the propriety of its subsequent provisions; and that if those provisions were only fair, temperate, just, and reasonable—if they were only calculated to maintain the purity and the integrity of registration in Ireland, without needlessly limiting or interfering with the elective franchise, it seemed to him that it would not be a valid objection to attempt to supersede with respect to existing voters the present form of registration. But if, on the other hand, the subsequent provisions of the measure contained much that was restrictive, annoying, and oppressive—if they had a tendency needlessly and wantonly to limit the rights of voters, and to harass and worry legitimate claimants, he thought that Parliament would do well to pause before it subjected the rights of voters to such an ordeal, and put every person, however duly admitted to exercise the franchise, under the yoke of those novel provisions. The votes which he had already given during the progress of this bill, and the observations with which he had thought fit to accompany those votes, would sufficiently prove, that he had taken the latter unfavourable view of the character and scope and probable effect of the measure. Indeed, the objections made to its details and provisions had been already specifically admitted, even by some of those who had given their vote for going into Committee; and, therefore, he did not think that they, any more than himself, could, consistently with their scruples, object to exempt from the operations of the bill those who had already a vested right of voting for a certain period, guaranteed by the existing law, unless it could be shown that the circumstances had varied under which that right was originally granted, or that other circumstances had occurred which gave a different complexion to the tenure which they now possessed. If the clause merely proposed that when any voter, now on the register, had lost his qualification since his being registered, or had become purely disqualified, or had died, or that when the original registration had been effected by means of fraudulent personation, the name of such person should be erased, every one would admit that such a proposal would be quite fair. And the bill which his hon. and learned Friend, the Solicitor-general for Ireland, had introduced on this subject contained, in fact, a clause of this nature. But what he was now contending for was, the right of those persons to be retained on the register who had not forfeited their franchise by any subsequent act or default. He knew he might be told, that the bill which her Majesty's Government had formerly introduced, contained a clause similar to the first clause in the bill of the noble Lord. He did not deny that similarity; but what he would insist on was the great dissimilarity of the other clauses. The noble Lord then read from a paper a statement of some distinctive points between the two measures, the substance of which was as follows:- The bill of his hon. and learned Friend, Sir M. O'Loghlen, provided for an annual revision, as did that of the noble Lord, but strictly confined that revision to matters which had arisen subsequently to the name being put upon the register; whilst the noble Lord would extend the investigation to all matters, whether subsequent or anterior to the registration. Sir M. Loghlen's bill gave an appeal, but confined it strictly to the matters investigated at the annual revision; the noble Lord's bill extended the appeal generally. The bill of the Government gave a simple and easily comprehended form of notice—that of the noble Lord was of the most complex character, and was one which would require the aid of a lawyer to be properly filled up. The bill of the Government gave costs against an objector, under certain circumstances, and not against an applicant for registration; the noble Lord's bill gave costs also against the latter. The bill of the Government undoubtedly intended that the claim of any registered elector should not be re-investigated, except for some matters which had arisen subsequent to the registration; the bill of his right hon. Friend, Sir Michael O'Loghlen, of 1835, and that of the Chief Justice of Ireland, of 1838, gave an appeal against the franchise to the judges of assize, but that was intended to correct the original lists made in 1832, not by the regular assistant-barristers, but by certain barristers specially appointed for the purpose, who acted without concert, and in a hurried way, and without being checked and watched by parties interested on the opposite side, so that it was notorious that various abuses had crept in. But that list would be exhausted in October in the present year, the eight years having expired; and the lists now in existence had been made by those authorities against whom there was no charge or ground of complaint—the very assistant-barristers to whom even the noble Lord intended to entrust the working of his own bill. Let the House now contrast the two forms of notice proposed by the noble Lord to be given by the applicants for registration and the objectors to claims respectively. The 6th clause provided that

> "The clerk of the peace in each county shall, on or before the twentieth day of July in the present year, make out in the form given in schedule (A.) Number 1, to this Act annexed, or as near thereto as may be, a correct parochial alphabetical list of the names of all persons in each barony and half barony within each division of his county who shall then have been registered within the eight years next previous as persons entitled to vote in the election of a knight or knights of the shire."

The 11th clause provided:—

> "That any person who shall be upon the register of voters for the time being for any county or town may object to any other person whose name may appear in the same register, or in the list of voters for such county or town, so to be made out by the clerk of the peace in the present and every subsequent year, as not having been entitled on the said twentieth day of July then next preceding to have his name retained on the register of voters then next to be made and completed; and every person so objecting (except in the case of non-payment of cesses, rates, or taxes hereinafter provided for, in which case such notice next hereinafter mentioned may or may not be given) shall, on or before the tenth day of August in the present and every succeeding year, give or cause to be given, according to the form schedule (C.) Number 1, to this act annexed, a notice in writing, signed by himself."

The notice of the objector offered a striking contrast to that required of an unfortunate applicant for registration. The notice of the claimant, as it appeared in Schedule B, included no less than eleven heads, comprising all the following details:—

> "Christian name and surname in full; description or calling; townland, parish, and barony, where resident, if in a county—and if in a town, the street and parish; description of the property or premises; where situate, stating townland, parish, and barony, if in a county—and if in a town, the street and parish, and name of property, if any; in what right claiming; tenant in occupation; yearly

value; if freehold tenure, state particulars of lease, if any, and the names of lives, if any, and which are dead; if leasehold tenure, state particulars of lease—and if determinable on lives, also the names of the lives, and if any and which are dead; day and time whereon claimant first became entitled, if within twelve months before the twentieth day of July."

Every one of these heads, many of which none but a lawyer could understand, must be filled up without flaw by the claimant, under pain of having costs awarded against him: that was the manner in which the noble Lord dealt with the claimants of the franchise. How different was the course prescribed when the object was to strike off a voter, and so curtail the franchise! The notice to be given by an objector was merely this:—

> "To the clerk of the peace for the county or town of . Take notice, that I object to the name of being retained on the list and register of voters for the county and town of (as the case may be)."

The objector was not called upon to give any notice of the ground upon which he objected to the elector's name. There was a most striking contrast between the course to be pursued when the object to be attained was to obtain or to cancel a right of voting, to enlarge or curtail the franchise. After having given this power of objecting to any one on the register, the bill proceeded to enforce not only on the judges of assize, but on the assistant-barristers—not once for all, but at every recurring revision—that was every half-year—the duty of re-opening the investigation of the whole case, no matter how strictly it had been sifted, or how lawfully had been already constituted the vested right of the individual. Again, in every town, county, and borough in Ireland, the collectors of taxes were required to make a return of all persons, every half-year, who were liable to taxes, or were in arrear of taxes; and the assistant-barristers were required to expunge the names of every defaulter, whether such defaulter was objected to or not. Now, he called upon the committee to reject that clause. It might be a very good joke to gentlemen opposite to play fast and loose with the franchise of the people of Ireland, and he must say he was glad to see the supporters of this bill manifest in this way on every occasion the spirit and animus by which they were actuated. He now repeated that he called upon the Committee to attend to the result of this provision. The Reform Act required that the voter should have paid all his municipal rates and taxes within the period of six months before the time of voting; but the noble Lord's bill, not content with requiring that they should be paid up to a period of six months before the time of voting, went on to provide, that if in the whole subsequent course of eight years one default in payment should have been made, the name should be expunged from the list of voters. Now, he thought, as far as the admitted voter was concerned, these clauses had been drawn up in a spirit of confiscation, penalty, and disfranchisement. He called, therefore, on the Committee, unless it were for circumstances which had occurred subsequently to the registration, not to affect or alter the right which the voter had established to be on the register. He thought he had established a clear case for the interference of the House. There was nothing analogous in this country to the investigation which the voter in Ireland had to pass through before he could be put on the register. Every man who was placed on the registry, and had his right guaranteed to him for eight years, had gone through this process:—He came before the assistant barrister, and, in open court, stated the nature of the claim by virtue of which he asserted a right to be registered, and produced the lease, or other instrument, to substantiate his claim, or satisfactorily account for its loss, and otherwise establish his right to be registered; and then the act went on to provide, that—

> "The assistant-barrister, or chairman, shall inspect and examine every deed, lease, or instrument so produced, and shall investigate the claim made thereunder or otherwise to be registered, and shall determine upon the validity or invalidity of such claim, and shall and may examine and enquire, as well by the oaths of the claimants as by any other evidence offered in support of, or in opposition to, such claim, whether such claimant is or is not to be registered as a voter for the county, city, town, or borough, to which his claim shall relate, and in case of any claim in respect of the freehold, leasehold, or household property, whether the same be of the value and nature respectively hereby prescribed and required, and shall also inquire, by any of the means aforesaid, as he shall think fit, into the truth of the several particulars required by the provisions of this act."

Now, it was by going through the

whole of this process, this strict and deliberate scrutiny, that a man obtained a right to be registered—a right which was guaranteed to him for eight years. What, therefore, he called on the committee to do was this—that when a right to be on the registry for eight years had been established, unless there were some change of circumstances, or in the nature of the property which would have affected the right of the voter, if it had taken place at the time of the original application, the voter should not be subjected to those vexations and annoyances, those snares and pitfalls, to which he would unhappily be exposed if the noble Lord's bill should be adopted. The question was one which affected the interests of the whole people of the three kingdoms. The question was this—whether, when a man had established his right to vote, he should be liable during the period of his tenure to have his vote constantly disturbed and investigated, or whether it should remain undisturbed and inviolate? He must say, that justice to Ireland did not consist in the extension of the inconveniences and absurdities of English legislation, and the denial of all its blessings, just as the woman treated her husband in giving him nothing but the drumsticks of the roast. He maintained, that the right of the people of Ireland, of England, and Scotland, depended on the issue of this bill. You have had, continued the noble Lord, addressing the Opposition, you have had some party triumphs. You seem to be amazingly flushed with your victories, and anxious to push them further. I am afraid, however, that hon. Gentlemen opposite little know for what stakes they have been playing. I am, I confess, surprised that the noble Lord, with all his high attainments and great qualities, notwithstanding his experience in former defeats, should have dashed into this venture, and hallooed on his whole party after him, and it seems to me that the noble Lord is fated to embarrass and obstruct the party which he has adopted, and which he must adorn. I have stated the objections which I entertain to the clause in its present shape. I object to the annually subjecting persons who are now on the register to have their rights re-opened and re-investigated. I look upon the bill as one of pain, penalty, disfranchisement. I call upon the House, as such, to resist it, and to substitute for it the amendment with which I shall conclude, which will provide that there shall be no re-investigation or disturbance of existing rights, unless there be some fresh or disturbing clauses to invalidate them. The noble Lord concluded by moving, that, in the 7th line of the first clause, words to the following effect, be added,

> "That in making the register of voters for any county, city, town, or borough, the name of every voter who shall at the time when such register shall be made be on the register now in force, shall be placed and retained on such register, so long as his right to remain there would have continued under the present law, unless the said voter shall have lost his qualification since the registration, or unless he shall be personally disqualified, or shall have died, or unless his registration shall have been effected by fraudulent personation, until and from and after the completion of such register of voters."

Lord *Stanley* really had hoped, after the many discussions which had taken place upon the provisions of this bill, that the time had at last come when, by the consent of the Government themselves, and he might add, by the recorded consent of the House, repeatedly given, they were to enter upon the discussion of the bill, according to the ordinary and invariable practice of Parliament, and that he might now discuss, as he was most ready to discuss, and had always expressed himself ready, the various objections which might be raised against the several clauses of the bill by hon. Gentlemen opposite, or on his side of the House, as they should be brought under the notice of the committee, agreeably with Parliamentary usage. Without meaning to accuse the noble Lord of any want of good taste, he must say, that when the Government had pledged itself to allow the bill to proceed, at least without offering any further opposition to its going into committee, he did not anticipate, that upon the first clause, which, according to the noble Lord's statement, was harmless in itself. [Viscount *Morpeth*, no, no.] Very well, then, a clause not harmless in itself—he did not expect, that upon the very first clause—a clause not harmless in itself, as the noble Lord now stated, but which ten minutes before he described to be harmless in itself—a clause which was unconnected with the subsequent provisions of the bill, and one which, whether harmless, or not, the noble

Lord had introduced into two former bills, he did not, he said, anticipate, that upon that clause being proposed the committee were to be called upon to discuss every other clause of the bill from its commencement to its conclusion. In fact, were he to follow the noble Lord in the course he had adopted, he should be lending himself to the seduction of the House into one of those snares into which the noble Lord told the House he was driving them, but against which he begged hon. Members to be on their guard—he should be lending himself to bring the House again into discussions in committee which had already been carried on *ad nauseam* on the principle of this bill. When the principle of the bill was under discussion on those occasions they were told to consider its details, and now that the proper time had arrived for entering upon the consideration of its details, the noble Lord invited them to a discussion upon the whole principle of the bill; and at the same time he told the House that this first clause involved the whole principle of the bill, and that it was not harmless in itself. But what was the fact? This first clause *verbatim et literatim* had been copied from a clause introduced in 1835, and again in 1836 by the noble Lord himself. It was assented to by the House in 1835, and that without the objection of any human being on either side of the House, and under the noble Lord's sanction was actually sent to the other House of Parliament. In 1838 a similar clause was introduced by the noble Lord's then Attorney-General, Mr. Wouffe, and he now told the noble Lord, if it would afford him the slightest satisfaction, that he was ready to support the clause of the last Attorney-General against that of the former; in fact, he was as ready to adopt the clause of Mr. Woulfe, as that of Mr. Perrin. Therefore there was nothing in the words of the clause to which the noble Lord could object; the words were his own. They were the very words of 1838; and if they would please the noble Lord better than those of 1835 or 1836, he would not call upon him to eat his words, but he was quite willing to adopt those of 1838. But what was the meaning of this clause, which the House had been told was a wholesale disfranchisement of the people of Ireland? It was no more a wholesale disfranchisement of the people of Ireland, or of any human being in Ireland, than that clause in the English Reform Act, which required that the voter who was on the register for the year 1839, for instance, should not be permitted to vote in 1841, unless his name should appear on the register of 1841, was a wholesale disfranchisement of the people of England. It never entered into the brain of any person to say, that because the act required that a person should appear on the last register as a proof of his right to vote, that therefore it was a wholesale disfranchisement of the people of England. But he should be able to prove, that this was not at all a disfranchising clause. He could prove that it was less a disfranchising clause against the people of Ireland, or any part of the people of Ireland, than the corresponding clause of the English Reform Act was against the English people. But, whatever the effect of the clause might be, it was essential to consider what was the nature of a registry of votes, and what was the meaning which the term "a register of voters" involved. Was it not the object and intention and meaning of such register to define, determine, and regulate the right of any particular individual to vote? If that was not the meaning of a register of voters, there was no use at all in the register: it meant nothing at all if it did not mean an authorized list of persons entitled to vote under the register. What said the clause? That from and after a particular day, no person should have a right to vote unless previously registered according to the act. That was to be the test—that was to be the criterion—that was to be the point upon which proof was to be received at the polling of every elector. Former Governments had never shrunk avowing that principle most distinctly, or from placing such a clause in the front of their bills. Mr. Woulfe and Mr. Perrin both did so, and yet no objection was taken to the proposition when they made it, that it was a wholesale disfranchisement of the people of Ireland. Accordingly, they acted in perfect good faith in this matter in placing in the front of their bills the very clause, or some similar clause, which he had placed in the front of this bill. The hon. Member for Limerick did the same with his bill. Did any one rise on those occasions, and venture to declare that such a proposition was a wholesale disfranchisement of the people of Ireland? If such a clamour had been raised by any person, he would have been cried down by the good sense of the whole people of England and Ireland. But, although the Solicitor-general did not place this clause in front of the bill he had very recently introduced, the hon. and learned Gentleman had adopted one which was precisely the same. It had been thought convenient by the learned Gentleman to postpone that principle until the forty-third clause of the bill, but at that place he had introduced a provision in its character and nature identical with this. What, at the present moment, was the test of the right of persons to vote? A certificate produced at the poll. There were no register in Ireland; but at the present moment the test by which the returning officer was to be guided when the party came to the poll, was a certificate of his being the person entitled to vote. What said the forty-third clause of the bill of the Solicitor-general, who disfranchised nobody in Ireland? The certificate was the only test now, and the Solicitor-general in his bill proposed by the forty-third clause,—

"And be it enacted that from and after the completion of the first revision of the register of voters for any county or borough under this act."

He had proposed a date for the completion of the register—namely, from and after the 1st day of November, 1841, but if the hon. and learned Gentleman preferred his own words, "from and after the completion of the first revision of the register of voters under this act," he had no objection to adopt them. He would take the hon. and learned Gentleman's words instead of the date; he would not quarrel with him for terms. But what he proposed was, that from and after the time of the completion of the first register, no person should be entitled to vote except his name was to be found on the register. And what said the Solicitor-general?—

"From and after the completion of the first revision of the register of voters for any county or borough under this act, no separate certificate on parchment heretofore granted shall be called for, or have any effect, to entitle the person named therein to poll before the deputy of the returning-officer in the manner now by law allowed. And so much of the said recited acts as relates to the granting of such certificate, and as enacts that such certificate shall be conclusive of the right of voting of the person named therein, shall after the completion of the first register under the provisions of this act be repealed."

The moment the new register under the Solicitor-general's bill came into operation, that register alone was to be the test and conclusive criterion of a man's right to vote. That test and criterion which the law now prescribed to the voter he was to be deprived of by the Solicitor-general, who was raising the clamour of "wholesale disfranchisement" against him. He should be very glad to hear the noble Lord answer this argument. He should be glad to hear the noble Lord attempt to disprove that by the 43d clause of the Solicitor-general's bill, the proof which a voter was now authorised to give of his right to vote should no longer entitle his vote to be received at an election, and that the only proof that he has a right to vote should be his name being recorded on the register. That was what the Solicitor-general proposed in the 43d clause of his bill, and what he proposed in the first clause of this bill. That was admitted, for he perceived, that the Solicitor-general nodded assent. He wanted to know, apart from the other provisions of the bill, what was to become of that clamour of "whole sale disfranchisement," which had been raised against him? This clause was the same clause which had been introduced on two former occasions by the Government itself, and it was part of a bill introduced by the Government on a third occasion. He would take that clause instead of his own, if they wished it—that clause which was admitted by the Solicitor-general to be of the same effect as that against which the clamour of disfranchisement was now raised. The noble Lord said, that this clause must be taken in combination with the other clauses of the bill, and unless that were done there would be no use in going into committee at all. But the business of a committee was to discuss the clauses of a bill *seriatim*—to take the whole of the details in their proper order. It was, therefore, trifling with the House and with the public, after all the preliminary steps had been gone through with so much debate and so much attention, not to proceed in the usual way to deal with the details of the bill. He was prepared to enter upon those details, and ready to canvass the arguments arising out of them. It was trifling with the House, at that stage of the bill, and without giving a proper opportunity for the discussion of its several provisions according to the ordinary usage of Parliament for those who did not approve of every provision of the bill for framing the register to proceed in this way at the very opening of the bill; and, however some might be disposed to break the word of promise to the hope, he called upon those hon. Gentlemen who had really desired to go into committee for the purpose of having a fair discussion on the details of the bill, not to permit the Government to shrink from that discussion. The first clause would bind them to no particular provision as to the mode of registration, that was to be a matter for discussion afterwards; and he called upon the Government to release themselves of the pledge they gave, that there should be a *bona fide* discussion on the details of the bill in committee according to the practice of Parliament. He did not shrink from discussion, and he must say, that he thought it unreasonable to raise a clamour against the measure he had introduced, and then to attempt to evade a fair and close discussion upon its merits. It was said, that he intended by this bill to disfranchise every person in Ireland. It was provided, that no person was at present entitled to vote, unless his name was upon the last register; but that was a matter of consideration for the committee. The whole meaning of the first clause depended on the alterations and amendments which hon. Gentlemen on either side of the House might think proper to make. But the noble Lord had thought it a convenient course to go through the whole series of difficulties by which voters were surrounded upon offering their claim to be put on the register. He had watched the noble Lord, and observed, that he carefully abstained from telling the House, although he left it to be understood, that a voter, when claiming to be put on the register, would be exposed to none of those evils, though the noble Lord knew very well, from the provisions of the bill, a portion of which the noble Lord stated, part of which he also, as it suited his purpose, abstained from stating, that the voter entitled to vote was sedulously and carefully relieved by the bill from any one of those annoyances and difficulties to which he had alluded. This bill was not so much a disfranchising bill as the English Reform Act itself. It was true, that without any exertion on the part of the voter himself, he was transferred from the register of one year to that of another; that was to say, if he was not objected to in that simple form prescribed by the Reform Act. But, however often the objection was answered, the voter might be brought again before the revising barrister in England, and, although the objection might not be new, the objector was not called upon to prove his negative; but the party claiming must give satisfactory proof of his qualification. [" *Cheers.*"] Did he (Lord Stanley) propose anything of that kind for Ireland? Would the noble Lord cheer that? If the noble Lord would turn to the 6th clause, he would find that every person entitled to vote, without any exertion of his own, without taking a single step, would be able to secure his vote, for the clerk of the peace was bound to put on the list the name of every person registered within the eight years next previous to the 20th of July in the present year, and in succeeding years of every person whose name should be on the register for the time being. The 6th clause entirely relieved the voter from undergoing any vexatious inquiry, after being once put on the register, and the clerk of the peace, at the same time that he made a list, was called upon to publish a notice warning all persons whose names were on the register, that it would be unnecessary for them to send in any claim whatever. The objections to voters were under limitations of which he thought, that neither the Solicitor-general nor the noble Lord could disapprove. But the noble Lord would allow objections to be made and the voter to be brought before the registration courts to defend his right, although his name was already on the register. By the 19th clause of this bill, the clerk of the peace was required to make out three lists—one of persons originally entitled to vote, a list of claimants, and a list of voters, those objections being put forth in the same manner, and with the same notices as in this country. The 20th clause was as follows:—

> " And be it enacted, that the assistant barrister at every such sessions shall revise and go through the several lists of voters, claims, and objections in the alphabetical order of the parishes in each barony, half-barony, or portion of a barony in each county, and in the alphabetical order of the parishes in each town, commencing in each parish with the list of persons whose names are upon the register

for the time being, and the list of the persons objected to; and shall call over the names in the respective lists of objections and claims three times at least, and he shall retain on the list of voters for each town and county respectively (except as hereinafter provided) the names of all persons who shall not have been objected to in manner hereinbefore mentioned; and he shall also retain on the list of voters for each town and county respectively (except as hereinafter provided) the name of every person who shall have been objected to in manner hereinbefore mentioned, unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection: every assistant-barrister shall examine into such objection in the alphabetical order of the names of the persons objected to, and shall require it to be proved, that the person so objected to was, on the 20th day of July then next proceeding no longer entitled in respect of the qualification described in the lists of the clerk of the peace and register for the time being, to have his name retained on the register of voters for such county or town respectively then next to be completed, and the fact of the name and qualification of the person objected to being upon such list or the register of voters for time being shall always be *prima facie* proof of such person being entitled to have his name retained on the said lists and on the register then next to be completed."

Now, he was sure that the committee must agree with him when he said, that the effect of that clause was most favourable in every respect to the rights of the voter. If the voter were objected to, did the bill throw him upon his defence? No. Should there be a *prima facie* objection against him, was he then put upon the defence of his claim; No. The whole burthen of proof was cast upon the objector. Was it necessary for him to offer the committee any better or stronger evidence to show that that the bill did not go to curtail or to diminish the rights of the voter? Was it possible for any Legislature to take more pains than had been taken in the framing of the bill then before them to favour the rights and privileges of those now entitled by law to the exercise of the elective franchise? Guarding the rights of the voter from hostility of a frivolous or vexatious kind, and protecting him from the payment of costs, even though he should have imposed upon every voter the necessity of establishing his own claim and defending it against all exceptions, he still should say, that the preponderance of argument would be in favour of such a plan, and against the position contended for by the noble Lord, the Secretary for Ireland; but he entreated the House to recollect, that he did nothing of the sort. But these were matters really foreign to that question, which ought then legitimately to come before the committee. He doubted whether he was justified in proceeding further with this line of argument. The present discussion belonged to the consideration of another part of the bill. He would rather propose to deal with the objections of the noble Lord opposite, at another stage of the proceedings; but the noble Lord would not allow him to take that course; it did not suit the noble Lord that the matters in dispute should be taken separately. The noble Lord preferred to club all his objections in the hope of catching a few of the stray votes in that House, which, but for the adoption of such a course would be decided against him. It was hoped, that many hon. Members would fall into the trap, and by those means, the Chief Secretary for Ireland and his supporters, reckoned upon being able to throw out the whole bill, without coming to any fair discussion, or in fact, any discussion whatever of particular points. The House, he was sure, could not have forgotten the important admission made by the noble Lord, with reference to the registration which took place immediately after the passing of the Reform Act. In the year 1832, there was considerable difficulty in finding barristers to undertake the duty of revising the lists, or rather the difficulty lay in having that duty well and effectively performed. The noble Lord admitted, most truly, that there was then much haste and confusion at that period, and it was well known, indeed the noble Lord did not disguise the fact, that many, very many, names of persons were placed upon the register, who had no right to be there; and did not the noble Lord know that many assistant-barristers had laid it down since 1832, and even so recently as 1838, that those voters who produced the certificate of 1832, were entitled to re-register; and was not the inference obvious that such a state of the law must lead to frauds innumerable? Yet, the noble Lord would not permit any investigation of claims which various circumstances during the past eight years might hav- vitiated. There might have been falsehood, there might have been perjury, there might have been fraud, there might have been personation,—there might have been every variety of bad evidence, but the noble Lord would not permit any enquiry into matters which had passed during the last eight years. The noble Lord would continue to every man during the term of his natural life the franchise, no matter in what manner acquired, during the time that had elapsed from the year 1832 to this hour—no matter by what species of fraud the right was obtained, it must continue to the voter so long as he lived. The noble Lord said, it would be hard to call upon the voter a second time to establish his claim; but he said it was necessary. The noble Lord, it was true, acknowledged that he should readily admit the principle for which he (Lord Stanley) contended where any new circumstances had arisen. Now, he should take the liberty of troubling the House with the mention of a case in the county of the city of Cork, which would show, that without any new circumstances arising, there was a necessity for his bill. Some years ago the names of parties had been placed upon the register in Cork. They then stated the value of their holdings to be 10*l.* Subsequently to that period, a rate had been imposed, in conquence of which they thought it would be more conducive to their interests to fix the value of their holdings at a sum more nearly approaching to their real worth, and accordingly, they declared them to be of the value of 5*l.* Thus, for election purposes, they were to be called 10*l.* holdings, while, in reference to the payment of taxes, they were to be but 5*l.* tenements. The holders objected to the 10*l.* rating, and swore and proved them to be only of the value of 5*l.* By the principle, then, which the noble Lord wished to introduce, these persons would be placed for life in such a position as at once to invest them with the franchise, and to exempt them from the payment of taxes; and they were to be placed upon the register on the ground of the value of their tenements, though those holdings had been declared by themselves over and over again, to be worth less than 5*l.* If it were proposed to extend the immunity to all those who were now on the register of voters, he should be glad to learn how they proposed to deal with that case in Cork. He did not impute wilful misrepresentation in all the cases which the bill was intended to include; he assumed the parties in many instances to have proceeded in perfect ignorance of the case; but he begged the noble Lord and the House to reflect upon the circumstances to which he should now call their attention. Suppose a man holding under a lease for lives—suppose that at the time of registering, all the lives had ceased, though he believed one of the lives to be in existence—suppose that he continued in possession of the same holding, and under the same landlord, he would then be a tenant at will, though without any knowledge of his precise legal position; at the time of placing his name on the register, no one was aware of his being a tenant at will, and yet would the House sanction any thing so monstrous as that he should, during the remainder of his natural life, remain amongst the electors of the kingdom, when at the time of his registration, he was only a tenant at will—when there did not exist a shadow of doubt as to the death of the party, upon the assumption of whose continued existence his tenure depended: would the House invest him with a right arising out of such tenure? If the doctrines of the noble Lord were to pass current with the House, the voter might be enabled to say, "You could not have objected to me at the time of the registration, for then you and all the other parties concerned, supposed my title to be undoubted; and you cannot do it now, for I had my vote in 1840, and it must, therefore, continue to me for life. I must be retained on the register, and you can never question my claim." He stated that which might arise—nay, that which had arisen. In addition to this, the House should recollect that in counties not very keenly contested, many names were often allowed to remain on the register, in the full confidence that when a necessity arose, they might be removed. Let the House affirm the principle of the noble Lord, and they would sanction a measure which would keep all the counties of the United Kingdom in a state of perpetual ferment and agitation. The noble Lord appeared to think that he answered this objection when he called the attention of the House to the strictness with which the right of voting was usually investigated in Ireland. It was not to be denied, that there prevailed more close investigation of the right of voting in Ireland than in this part of the United Kingdom. He had no wish but to argue the question fairly; and, under the influence of an earnest desire that it should be argued fairly, he requested the House to bear in mind, that there was very little force in the argument, founded upon the principle that a man's vote was not to be questioned after he had once been successful in defending it against objections. There was a wide difference between defending it against a *bonâ fide* objection, and one brought forward, merely for the purpose of establishing his claim and placing it for ever beyond the reach of cavil or objection. A friendly objector, knowing that his objections could not for a moment stand, urges it solely for the purpose of guaranteeing his friend's vote from future objection. Thus, either bad votes would be placed upon the register in a time of apathy and indifference, or the peace of counties would be incessantly disturbed: every vote must be watched and sifted, and anger and ill blood be the consequence, or all the varieties of fraud must be practised. Did not the noble Lord recollect, that in the year 1837, the personations of voters at the Queen's county election, existed to an extent before unparalleled even in the annals of Irish elections? And he should almost say, that if there had been no other cases of a similar character, that one would have been sufficient to justify interference. The present state of the law, or rather that for which the noble Lord contended, would operate as a premium upon the success of perjury, villany, and fraud. Let the House not forget that the noble Lord did not pretend to provide a remedy for such a state of things as were admitted to exist. He repeated, that the present discussion did not belong properly to the clause under consideration; but he saw the effect of this mode of proceeding, and he hoped, that the House would not overlook it. He hoped that they would see the unfairness of not proceeding with the discussion according to the uniform practice of Parliament; he hoped that they would not allow the bill to be thrown out by any ndirect attempt of this description, but that they would proceed, according to all Parliamentary practice, to discuss the measure paragraph by paragraph, and clause by clause.

Mr. *Sheil:* The argument of the noble Lord is at variance with the statement with which he commenced his speech. He began by stating, that the first clause in his bill would not operate as a disfranchisement of voters already registered, but he afterwards proceeded to advocate the principle of disfranchisement, from the consciousness that the first clause was founded upon it. He insisted, that a multitude of claimants had found their way by illegitimate means upon the registry, and that by a process of re-investigation, introduced into this bill, those claimants ought to be deprived of the privilege which the registry had conferred. This is disfranchisement to all intents and purposes. The clause proposed by my noble Friend, the Secretary for Ireland, is, I admit, at utter variance with the clause so strenuously supported by the noble Lord, and which, indeed, constitutes the essence of his bill. The noble Lord disfranchises upon grounds antecedent to the registry, while the Secretary for Ireland confines the revision to matter which has arisen subsequent to the registry. For the imperfections incidental to the Irish system of registration—and to what system of registration are not imperfections incidental? the amendment proposed by the Secretary for Ireland affords a commensurate remedy. Vested rights—rights obtained through the means provided by the law for their acquisition, and which are therefore vested, are secured by the amendment, while at the same time care is taken, that where those rights in point of fact have ceased to exist, the loss of the qualification shall operate as a defeasance, and of the mere form of registry no fraudulent use shall be made. The names of those who have died or become insolvent, or who have parted with their interest, are to be struck off the registry, and as outstanding certificates may be employed as the means of personation, the whole system of certificates is to be abolished. The noble Lord calls, by way of retort, the abolition of the certificates a disfranchisement. Certificates are but the evidence of the title to vote. The title itself is not affected by the change of the evidence, and the Solicitor-general's proposition does no more than substitute a different proof less liable to exception, by which, however, the right to be proved is not in the slightest degree affected. This misrepresentation upon the part of the noble Lord is very inconsistent with those professions of fairness in which the noble Lord so frequently and so strenuously indulges, from a consciousness, I fear, that those professions are not wholly uncalled for upon the part of the noble Lord. The clearance of the registry of all those who have forfeited their title since the registry by means of an annual revision, ought to satisfy those who do not look for anything beyond the correction of the abuses which we ought to be solicitous to remove. But it is urged by the noble Lord, that crowds, who never possessed the qualification have found admission to the registry. If this were true—if their allegations were well founded who to the abuses of the Irish registry are so sensitively alive, but who to the fabrication of fictitious votes, who to the profligacy, the corruption, the bribery, the debauch, the perjury, and its more infamous subornation which prevail at your own elections, are philosophically insensible, and give to Ireland the exclusive advantage of their virtuous, but not wholly disinterested indignation—if, I say, their allegations were well founded, and practices so corrupt had been employed for the purpose of giving an undue preponderance to the popular party, it is obvious that the constituency would be enormous. The country would swarm with spurious voters, and herds of wretched serfs would be driven at every election to the hustings under the terror of what the noble Lord, with his usual happiness of conciliatory phrase, was pleased to designate as "excommunication." But what it the state of the constituency of Ireland, and how do the statistical returns laid upon the table of this House sustain the statements of the noble Lord, who, not contented with revision, insists upon re-investigation, insists upon an appeal to the judge of assize, and all those complicated impediments to the extension of the elective franchise, which in the spirit of consistent "obstruction," the noble Lord, with an ingenuity so perverse, has so elaborately devised? The noble Lord is a proprietor in the county of Tipperary. He corresponds with the agents of Conservative clubs in that county, and he has been entrusted with several petitions, not indeed very numerously signed, from the county which I have the honour to represent, in which it was stated, that "thousands" had been improperly admitted upon the registry. What then is the constituency of the county of Tipperary? That county is of great extent, remarkable for its fertility; it is studded with large and thriving towns, and its population exceeds 400,000. You will say, you will of course conjecture, that under such circumstances the constituency of the county Tipperary must amount to 10,000. No. Well, to 8,000? No. To 6,000? No. To 5,000? Not 5,000? To 4,000? No to 4,000. Well then, to 3,000. With the aid of sacerdotal anathemas, and secular imprecation, we must needs have, at all events, raised our practical voting constituency. At the last general election, the contest lasted for five days in the county of Tipperary. The county was polled out, and the numbers who voted did not amount to 2,400. And here let me advert to a letter stated by the noble Lord to have been written to him by the agent of the Tipperary Conservative Association, containing a narrative respecting two tenants of Mr. Faucett. The noble Lord does not know Mr. Kernan, his correspondent—never saw him in his life—never heard of him before, and yet he produces a letter written by that gentleman, as a ground for disfranchising the constituency of Ireland. This is indeed a strong proceeding. He would sentence Ireland to a deprivation of her rights on the evidence of a mere letter which would not be received upon the trial of the meanest case in the meanest court of judicature in the kingdom. I have received a letter from a very respectable gentleman, Mr. Michael Meagher, distinctly contradicting the statements of Mr. Kernan. Mr. Meagher says:—

> "About a fortnight back, my attention was called to a report of a speech purporting to have been delivered by Lord Stanley in his place in the House of Commons, on the 18th ult., relative to his bill on the Irish elective franchise. In a portion of that speech he is reported to have stated, that he received a letter from a Mr. Kernan, registry agent for the Conservatives of North Tipperary, wherein, amongst other things, it was alleged that 'a tenant of Mr. Faucett, over eighty years of age, held a farm, out of which he registered in 1832—that in 1834 he gave up the farm to Mr. Faucett from his inability to hold the same—that Mr. Faucett gave him an acre of land free to live on—that at the election of 1837, this old man of eighty years of age was dragged to the hustings at Clonmel, and there made to vote for Sheil and Cave, notwithstanding his being warned by his landlord not to do so, as he knew his title was extinct.' Further, he (Lord Stanley) is reported to have stated, from the same information, that 'another tenant of Mr. Faucett, named Roger Meara, registered in 1832—was murdered in 1837—was placed on the list of applicants for registry in January, 1840, and that the

agent produced his (Meara's) former certificate of 1832—swore that he received it from said Meara for the purpose of having him re-registered, and actually got him registered on that occasion before Mr. Howly, assistant barrister.' The first statement is false, inasmuch as Mr. Faucett has but four freeholders on his entire estate, and those held a lease before he (Mr. Faucett) purchased the property, which lease is still in existence—the same freeholders still hold the same farm and franchise—none of them are either eighty, seventy, sixty, or fifty years of age—no tenant has surrendered his farm to Mr. Faucett; for to do that gentleman justice, he does not render any tenant unable to pay rent. As I was one of the persons who conducted the freeholders from this county to Clonmel at the aforesaid election, I solemnly declare that there was no tenant of Mr. Faucett's of that age, who went to the hustings; the only tenants of his that went were the four hereinmentioned, and they had, and still have, a *bonâ fide* interest in their farms to entitle them to the franchise. With regard to Roger Meara, it is true he registered in 1832; it is true he was murdered in 1837; it is also equally true that his name was on the list of applicants for registry in January, 1840, for this reason—the person who is registry agent for the Liberals in North Tipperary, being unable to ascertain all the persons who were either dead or disentitled to re-register, served notice for all persons on the former registry list in this division; thereby giving an opportunity to every person legally entitled to come forward and re-register. Roger Meara's name, through that means, appeared on the list of applicants in January, 1840; but as to the agent producing his (Meara's) certificate, that I distinctly deny. I was the only person who held the certificates of the persons from the division where Meara did live. It is untrue that Meara was either registered in 1840, as stated by him, or attempted to be registered either by me or any other person. I will put the matter at rest by challenging Mr. Kernan to show Roger Meara's name on the new list of registered persons for 1840, or any list but that of 1832."

Here, then, is a direct contradiction of the assertions—the unsupported assertions—of a man whom the noble Lord never saw in all his life, of whom he knows nothing but that he is the agent to a Conservative association in the county of Tipperary. It requires some intrepidity to rest such a bill upon testimony of this kind. But since great importance is attached to the letters of Conservative functionaries, what will the noble Lord say to the circular issued by the agent to the Conservative Club, in the county of Cork, which has been read, and of which the authenticity has not been disputed in this House? That letter enjoins the importance of stripping the tenantry of lay landlords of the elective franchise. But since I am speaking of the county of Cork, what, let me ask, is the constituency of that great county? The population exceeds 700,000; the constituency does not amount to 4,000. The same disproportion between the constituency and the representation prevails in every other district in Ireland. Let statistics be compared with the statements of the noble Lord; let statistics, in which there is no faction, no baffled ambition, no spirit of rancorous conversion, be compared with the evidence with which the noble Lord endeavours to sustain his case. If his assertions be well founded—if the noble Lord do not labour under the most egregious misconceptions—the registry of Ireland would present an enormous constituency; but the direct reverse is the fact. The constituency is miserably small; but small as it is, it has been too large for your purposes, small as it is, your projects have been defeated, your aspirations have been thwarted, andthe country has been saved by it from your dominion. It must be reduced to dimensions more in conformity with your views, and accordingly by the very first clause in your bill, one-half of the registered constituency is to be disfranchised by the operation of that clause thus:—A farmer, call him for the sake of distinctness, John Morissy, lives forty miles from Cork: on the 1st of October, 1836, John Morissy served notice to register; he attended at the sessions on the 20th; his lease was produced, he underwent a strict scrutiny, and after a full investigation was duly registered: his right is vested, and he voted at the last general election in the exercise of that right. The bill of the noble Lord with the clause in debate passes. John Morissy's landlord objects to his retention on the registry. He is compelled to go through the same vexatious process as before, and is registered again. His landlord appeals against the registry; for three months no decision can be had, and, in the interval, to the relation of landlord and tenant, that of appellant and respondent is superadded. At length the judges of assize arrive, and John Morissy leaves his fields, his plough, his harrow, and sets off for Cork. He reaches the court-house, after a journey of forty miles, and has the advantage of witnessing the trials of some ejectments for non-payment of rent, from which valuable intimations are derived by him. At length his appeal is called on, counsel are employed against him by Mr. Nettles, the agent to the Conservative Club, and the case is powerfully stated by some learned sergeant with a minacious aspect, and ultra-forensic faculties of intimidation. His own landlord is produced as a witness against him, and after a fierce political struggle, the learned judge strikes him off the registry; and availing himself of the power with which he is specially invested by the noble Lord, mulcts him in costs, and sends him home without a shilling in his pocket as an example to all refractory tenants, and an exemplification of the advantages which the noble Lord, our very peculiar benefactor, is determined to inflict upon the Irish people. It is fortunate, I think, that in the first clause of this bill so much of its worst matter is condensed, for an opportunity is given at the outset to those who voted for going into a committee to repair any mistake into which, under a conscientious, but recent sense of duty, they may have been unwittingly betrayed. In the assault committed upon the existing registry they will hardly concur. It was a strong measure to disfranchise the forty-shilling freeholders—to the last it was resisted by Lord Grey; not even for the sake of emancipation would he sacrifice the rights of those by whom the most imperative argument for emancipation had been supplied. But for what purpose is this new infringement upon principle to be perpetrated? For a purpose in reference to which he must indeed be a sceptic, by whom the slightest doubt is entertained. Protestations, indeed, in sufficient abundance are made by the promoters of this measure; that they look to nothing more than the suppression of the abuses at which their moral sense revolts. At abuses their moral sense does not always so readily take alarm; witness the Irish corporations, for whose peculations and whose frauds, by so many shifts and expedients, a discreditable impunity has been so long procured. But it is sufficient to look across that table to estimate the value of the clause which the noble Lord has placed in the outset of his bill. If the motives by which this project is dictated were ostensibly the most pure and the most disinterested, by the general policy of the noble Lord the specific proposition should still be fairly tried. To the gift, however specious, an apprehension of the donor should be extended; but in this instance, the object of the noble Lord is not only undisguised, but a veil of the flimsiest texture is scarce cast upon it. Who, that looks back to the incidents fresh in the recollection of every one of us, can entertain the least question relative to the purposes of this measure? In 1835, it was avowed that the Tory party looked to the divisions that prevailed between the Whigs and the Irish Members as a means of carrying on what was termed by a great misnomer a Conservative government. Had those divisions still subsisted I do not think that so lynx-eyed a vigilance would have been displayed in detecting the abuses of the Irish registry. In 1837, on the accession of her Majesty to the throne, a general election took place, and eight additional Members were returned by the Irish popular party. It became indispensable for the purposes of Toryism that the phalanx by which the Ministers were supported should be broken up. There existed at that time a tribunal for the trial of election petitions, whose proceedings were of the most censurable character. It did great credit to the Member for Tamworth that he contributed to the abolition of that tribunal in 1839; but of that which he contributed to abolish in 1839, the Tory party availed themselves in 1837. The Spottiswoode conspiracy was formed, and large sums were levied, in order, through the instrumentality of that profligate tribunal, that the representatives of the people of Ireland should be expelled from the House of Commons. That proceeding, bad as it was, found its most strenuous advocates among the champions of this measure. The men who expatiated so pathetically upon the abuses of the Irish registry, turned that scandalous system of adjudication to account. Who that looks back to that transaction can doubt that the blow which was aimed at the representation, is now directed against the constituency? During the last recess the labours of the Conservative press were devoted to the impeachment of the 10*l.* constituency. On the 19th of December last it was officially announced in the great Conservative journal that this measure would be brought forward. The Session commences—the hon. Baronet, the Member for Devonshire, moves his celebrated resolution. In the debate that ensued, the most offensive distinctions were taken between the English and the Irish Members—the spirit, the animus of this project was made manifest. That the men by whom, or on whose behalf such sentiments were uttered, should support a measure of disfranchisement like this, is natural and consistent; but it is most unnatural and most inconsistent that any man calling himself a Reformer should co-operate in such an enterprise, and should become the auxiliary of a man who upon every Irish question is utterly destitute of the slightest claim upon the confidence of Parliament, who was told by Lord Althorp to his face, in the face of the House and of the country, that his administration of Ireland had been a lamentable failure—who has since that time, by the extent of his political transitions, acquired a new title to the disrelish of one country, and to the distrust of both—who deals for ever in extremes—was ready to swamp the Lords when he was a Whig, and is ready to swamp the people when he has turned Tory—lauded the Irish Members to the skies in 1832, when it suited his purpose, and would now slap the door of the House of Commons in their faces; and of all the traits in the political character of the noble Lord, of all the incidents to his political conduct the most to be lamented—who, after having denounced "an expiring faction," and held them up to public scorn, now leagues himself with that bad Irish party which he represented as miserable, and which is not the less deserving of the designation which he thought it not unmeet to employ in their regard, because he has combined with them for the achievement of their pernicious projects, and has so far forgotten the principles which ought to have descended to him as an inheritance, as to prostitute his talents for the attainment of purposes to which every beating of his heart must at this moment tell him that they ought never to have been applied; and is this the man—is it to such a man that the delicate and difficult, and almost perilous task of legislating for Ireland ought to be confided—is this the man to whom we are to surrender the franchise of the country, upon which he inflicted calamities so fearful, and which was driven almost to insurrection by his misrule? See what in the course of a few weeks he has accomplished. The country was at rest—political excitement had subsided—that wise policy to which last year this House bore an attestation so signal, had produced the most salutary fruits. No public meetings were held, the tithe question had been adjusted, and the very name of a measure to Englishmen of all others the most obnoxious was scarcely uttered. A general calm prevailed. Suddenly the noble Lord bursts like a hurricane upon us. The elements of confusion are at once let loose, and the country is swept back into that tempestuous agitation from which we deemed ourselves secure. Stop, while there is yet time—stop the noble Lord in his career of mischief, or the consequences may be irretrievable. You may gain a temporary triumph; you may rob us of the fruits of that emancipation which the itinerant incendiaries invite you openly and directly to rescind; but your victories will be dearly purchased. Of Ireland—of organised, confederated, discontented Ireland beware; beware of that country which you ought to have been instructed by experience, fearful, if not humiliating, not to hold in disregard. Twelve months have sarcely passed since the Member for Tamworth declared that Ireland presented to him his greatest difficulty. Will that difficulty be diminished by the sinister co-operation of his noble and exceedingly formidable Friend? Persevere in that policy by which this measure had been prompted, and Ireland will soon be in a condition more fearful than that which preceded emancipation. You will enter again into an encounter with that gigantic agitation by which you were before discomfited, and by which (for its power is treble) you will be again overthrown; for all the consequences that will ensue from the excitement which you will have wontonly engendered, you will be responsible; you will be responsible for the calamities which will gush in, in abundance so disastrous, from the sources of bitterness which you will have unsealed. If Ireland shall be arrested in the march of improvement in which Ireland has been under a Whig Government rapidly advancing—if Ireland shall be thrown back fifty years—if the value of property shall be impaired—if the security of property shall be shaken—if political animosities shall be embittered—if religious detestations shall become more rabid and more envenomed—if the mind of Ireland shall become one heated mass, ready to catch fire at a single spark; for all this you will be responsible. And do not think that it is to Ireland that the evil effects of your impolicy will be confined. If in this country the fell spirit of democracy which lately appeared amongst you shall be resuscitated, I do not think that to your Irish garrison (for what will your army be but a garrison?) you can with confidence look for succour. There is reason, too, to apprehend that the state of Ireland may affect you in your foreign relations—that England will not maintain the post and dignity that become her—that foreign cabinets may take advantage of our intestine dissensions to exact from us humiliating conditions—and that thus, to the maintenance of Protestant ascendancy in a distracted province, you will sacrifice the ascendancy of England through the world. It is of that ascendancy, that better, nobler, and more exalted ascendancy that I am the advocate; and it is because I am so, because I am as devoted to the maintenance of the glory, the honour, and the power of this great country, as if I were born among yourselves, and from my birth had breathed no other air than you have—it is for this that I am solicitious that you should not relinquish one of the noblest means of its sustainment, and that I warn you not to hazard the affections, the warm, devoted, enthusiastic affections of millions of high-minded and high-hearted men; but to preserve, in a spirit of wise conservation, the great moral bulwark which you find in those affections—which does not form an item in your estimates, which is so cheap that it costs nothing but justice, and which, as long as you shall retain, so long, against every evil that may befal you, your empire will be impregnably secure.

Mr. *D'Israeli* said, those who voted against the present bill voted for the dismemberment of the empire. He was induced to make this remark from hearing the speech which had just been delivered. The House had heard the cry of equal justice and equal rights to Ireland, but he begged to call their attention to this circumstance. If an Englishman talked sedition in England he was prosecuted; but if sedition was talked on the other side of the channel was the individual punished? Was this equal justice? He asked English Gentlemen how they could give their support to a Government who punished in England what they allowed to pass with impunity in Ireland? Englishmen were sent to the penal colonies for a feeble imitation of conduct which made men here Ministers of State, and which made men on the other side of the channel the rulers of those Ministers. This was not a Government, but a yoke, intolerable and ignominious. On a question which required deliberation, he asked, were they to be met with a tone of menace from one gorged with the plunder of a cheated country?—whose combination and connexion with the Government were now brought into question. The House now knew, after the speeches that had been made in that House, in other places, and in another country, in what spirit this movement was viewed, and they knew the consequences of it—the support of British interests and the continuance of imperial connexion. The noble Lord opposite (J. Russell), at one time, had not been unfavourable to the measure, but when his Government was denounced by the hon. Member for Dublin, he changed his opinion. He did not view this bill in its relation to the registration only, for hon. Members on the other side had imputed other objects to the framers of the bill than the purification of the Irish registry. He denied that any other spirit had actuated the noble Lord who moved the introduction of the bill than a desire to improve and benefit Ireland. He, on his own part, denied entertaining any feeling of hostility to an Irishman's country or to his creed. He denied that either himself or those on his side of the House were influenced by any such feelings. He was sure the noble Lord was not actuated by bigotry towards the creed, or any personal hostility towards Ireland—as had been asserted either in direct or flowery language as suited the *genius loci*—whether in or out of the House of Commons, or at the Corn Exchange. He had never given a vote hostile to the true interests of the people of Ireland. He trusted the bill would be allowed to pass—and the only result which would occur was, that at the next election Ireland would at length be represented as a free country ought to be.

Dr. *Stock* said, that the hon. Gentleman had given point to what had fallen from the right hon. Gentleman, the Member for Tipperary, in what he had said, for it was the embodiment of the spirit of faction. The measure before the House was not conceived in a fair and honest intention, but was penal in its character, and disfranchising in its effect. Whereas the noble Lord opposite had said, that the first clause of this bill was similar in character to the same clause of former bills introduced by the Government, they must try that, not by a reference to particular words, but by a general contrast of the principles of the measures. It was for that reason that the noble Lord below him had introduced this amendment. He contended that the Irish voter had a franchise which that House could not take away by a piece of summary legislation like this bill, nor could the present law be altered without an unheard-of violation of personal right. His hon. and learned Friend the Vice-President of the Board of Trade had named a case wherein this House would be taking away a certain right to exercise the franchise, and he was sure that the House could not fail to be struck by the circumstances by which that case was characterised. The noble Lord had attempted in the 20th clause of the bill to draw a nice distinction as to cases in which the right to vote ought to be exercised; but any man might, by this bill, be called upon to submit to a revision of his former title to the franchise, either with respect to matters subsequent to his registration or previous to it. Could there, then, he asked, possibly be any principle of justice or equity in such a proposition as this? He felt that, after the convincing arguments contained in the speech of his hon. and learned Friend, the Member for Tipperary, it was not necessary that he should longer occupy the time of the House, and he would conclude by observing that this bill was a clear violation of the Irish Reform Bill.

Mr. Sergeant *Jackson* asked whether any clause of a bill had ever been discussed before in this manner? He asked whether, amidst all the warm and impassioned declamation of the hon. and learned Member for Tipperary, the hon. Member had encountered one of the arguments of the noble Lord, the Member for North Lancashire, or had used a single argument as to the effect of the clause under discussion? The hon. and learned Member had only read the marginal note, and from that note had called the clause a disfranchising clause. Now, the noble Lord, the Member for North Lancashire, had shown that the clause was precisely the same as the clauses in the Government bills of 1835 and 1836. He certainly thought that the hon. and learned Member meant to show that the marginal notes differed, but it happened that even the marginal note of this clause was the same as that in Sir Michael O'Loghlen's bill of 1835. The right hon. Gentleman had also read a letter from a Mr. Meagher with due emphasis and discretion; but he had not told the House who Mr. Meagher was, but only impeached the confirmed testimony of Mr. Kearnan, the agent of the Conservative party, and against whom he (Mr. Sergeant Jackson) had never heard anything to justify any impeachment of his word or character. It was, then, now a mere question of credit between those two parties, and it was quite right that the House should know what was the character of the letter which had been read by the right hon. Gentleman opposite. He would not, however, say a word against the writer himself of that letter, as he had never seen him; but this he would confidently ask, had the writer of it committed himself to a single statement against the arguments which had been used by his noble Friend? The hon. and learned Sergeant read a counter statement to that contained in the letter of Mr. Meagher, and argued that the terms of that letter were not a contradiction of, but in fact amounted to an admission, to a great extent, of the soundness of the arguments of the noble Lord. Now, with respect to the necessity for this bill, it was a notorious fact, that in Cork there were 6,700 names on the registry, whilst there were only 4,400 entitled to vote—the 2,300 remaining being the balance of the votes which, if offered to be again registered, would be opposed. There were forty-nine persons who came forward at the last election, and were rejected, for various reasons, but these persons were all on the registry, and there was not one of them that would not come forward to vote on a future occasion. Out of these forty-nine persons, thirty-three were adjudicated against by the assistant barrister, as not having had property to qualify them to be placed on the registry in 1832. With respect to the registry of the city of Cork, where nearly 700 notices were served with reference to the last registry, there was no parochial list of claimants to be registered, but the list was made out alphabetically. Now the House was not, perhaps, aware how unequal a distribution was caused by means of the names being alphabetically arranged. Under the letter C there were 1,000, and under the letter M 1,100 names of claimants for the franchise in the city of Cork; and how was it possible that all the claims on such a registry as this could be disposed of and settled in the space of ten days? He held in his hand a petition relating to the registration of the city of Cork, which had been presented to that House, and which stated that great numbers of persons, not entitled to vote, continued to have their names registered for that city in 1832, and had sworn, before the assistant-barrister, that their houses were of the annual value of 10*l.*, when they in reality did not amount to the value of 5*l.* He had the honour of being on the fictitious votes committee for Ireland, the object of which was, to inquire as to how far the Reform Bill for that country had been violated, and not a mere inquiry as to personation, but personation, in several instances, was proved before that committee, and to quite a sufficient extent to prove that it existed to a great degree. But this, however, was only by the way. He held in his hand a return, made from the city of Cork to the fictitious votes committee, of those who voted in 1835, 1836, and 1837, for that place; and by that return it appeared, that great numbers had voted, whose tenements were not of the annual value of 5*l.*, and many whose tenements were valued at between 5*l.* and 8*l.* The hon. and learned Sergeant also referred to the evidence given by Mr. Lane before that committee, as so unfavourable to the existing system, that Mr. Justice Ball, who was on that committee at the time, considered that he must be a decided Tory; but when asked what were his politics, his answer was, that he was what was called a "Liberal," and that he had voted for the Liberal candidates for that city. He was glad to see several noble Lords and hon. Members then in the House, who were also on the fictitious votes committee, and who could bear him out when he stated, that there was a total of 530 individuals in the city of Cork who claimed the franchise, and whose tenements were not worth 5*l.* a year. These individuals were all on the register—and it appeared from the evidence of both Mr. Lane and Mr. Bernard, that they distinctly swore that their premises were not worth 5*l.* Was it not, then, monstrous to say that such a system should continue, or that the right of such parties should not be subject to investigation? In erecting a new building it was necessary to clear away the rubbish, and what the noble Lord wanted was, to get rid of the evils of the present before he introduced a new system. In order to show the House the character of the votes now on the register, he would mention the case of John Macnamara, in Clare, against whom an action was brought for tithes, and whose name stood on the register as the owner of the land in question. On the trial, Mr. O'Connell, the Crown prosecutor, abandoned the case, the man stating that he had no interest whatever in the land, although he was a registered freeholder; that he was a mere tenant, and not liable to tithe. He stated this on the testimony of a professional gentleman who was present. Then another practice was, to go to distant places and register there. This practice had been admitted in the debate on Mr. O'Loghlen's bill in 1835. The system of certificates was a dangerous one, and greatly abused in the multiplication of fictitious votes in Ireland. A person had been produced in 1839 for another who had died in 1836, but he had been admitted. Some barristers admitted names upon certificates without requiring the personal appearance of the parties. At the sessions of April, 1839, a number of persons had applied to be registered who had been refused by the barrister; but the next year another barrister, Mr. Baldwin, had laid down a different rule, and they had been admitted. He should mention only one case more. He was sorry to trepass upon the House, but this was an important matter, and general assertions and statements were met with wholesale denials, and he had thought it incumbent upon him to bring these facts before the House, which he was prepared to substantiate in any way the House thought fit. The case to which he alluded was one in which Mr. Baldwin had declared that the certificate was conclusive; that he could not go beyond the certificate, and admitted a person who had been rejected by his predecessor. He trusted the House would think it only just and right to proceed to the consideration of this bill, and if any objections could be pointed out, the noble Lord, he knew, would be ready to hear the objections, and to admit them if they were reasonable.

Mr. *E. B. Roche* said, that the learned Sergeant had made a grave charge against the constituency which he had the honour to represent. The hon. Member had said, that the names on the registry for the county of Cork, amounted to 8,000, while only 4,000 of these were entitled to vote. But what was the fact? The names on the register were only 4,338; and this in a county that contained 800,000 inhabitants. During the late registries, the Conservative Association in that county had brought forward two or three paid valuators, who went round the district for the express purpose of diminishing the constituency by undervaluing the property of the voters. These men came forward and succeeded in swearing down a great number of the constituency. The present bill would still further diminish the number of voters. It was aimed at the rights and interests of the people of Ireland, and he felt that he should not be doing his duty if he did not oppose it. If they gave Ireland all the defects of the English bill, they ought not to withhold from her its benefits. His constituency were looking with the greatest anxiety to the decision of the House, and were determined never to submit to such a measure as the present.

Lord *Powerscourt* said, that the hon. Member for the county of Wicklow, had made a most inaccurate statement to the House, without giving him notice, and calculated to throw discredit on some facts that he (Lord Powerscourt) had stated. He had since received some information regarding the cases which he had mentioned. The hon. Member had said, that there were no fictitious votes in the county of Wicklow. Now he had obtained the knowledge of two most gross cases of personation. He did not wish to detain the committee, but desired only to call the attention of hon. Members to a case of fictitious votes, which was of no inconsiderable importance in legislating upon a subject such as that involved in the measure under consideration. Upwards of forty-six persons, who had obtained certificates of their right to vote for the county of Wicklow in 1832, had, within the last year, claimed to be re-registered for the same premises, and that they had been rejected; thus showing how imperfectly the registration of 1832 was effected.

Mr. *James Grattan* complained that the noble Lord had not given notice of his intention to bring so grave a charge against so many electors of the county, which he (Mr. James Grattan) had the honour to represent. It was one quite of a new character as connected with the county of Wicklow, and consequently he was unable at the present moment to meet the charge specifically. He could only say, that he had received assurances from the barristers who revised the lists in the county, and also from the gentlemen who had conducted his election, to the effect that there was not a single fictitious vote on the register.

Mr. *D. R. Pigot* said, that there were some points on which it was his duty to offer a few observations before the committee should proceed to a division. To much of what had fallen from his learned Friend, he would give no answer, as it appeared to him to be irrelevant to the subject then before the House. They were not debating whether certificates were to be abolished; they were not discussing whether unqualified persons who were now on the registers were to be removed; but the question raised by the amendment of his noble Friend was, whether the House, when called upon, should affirm the great principle to be applied to this measure, and to every measure of a similar character. It had been said, that his noble Friend was objecting to the clause because of its phraseology; and it was argued that similar clauses had been passed in other bills, and that, in any measure of this kind, it was necessary to introduce such a clause. The question, however, was not whether the House had given its concurrence to like clauses—not whether the phraseology was objectionable—not simply whether the one clause should stand—but whether in this clause, coupled as it was with the other provisions of this bill, they should express a favourable opinion of the system of re-investigation that was sought to be established, or whether it would proceed on the grounds of the amendment that had been proposed. The Government had said, that in forming a register they ought to affirm the principles on which it should be founded, and they called upon the House to say aye or no, whether the principles which they suggested were just? What had been done with the very registries of freeholds which were created under the act of 1829, when the Reform Act was passed? There was a clause in the act of 1832 which said, that those who had been registered, as duly entitled under the act of 1829, should be registered, as of course, under the Reform Act. In 1832 they found on the registry in Ireland 20,000 ten-pound freeholders, registered between 1829 and 1832. Did the Legislature disfranchise them? Did it give any right to re-investigate those registries? Did it give any of the power of investigation which was prescribed by this bill? No. Those who had been registered under the former act were allowed the privilege of bringing forward their certificates as evidence of their right, and, under the act of 1832, they stood on the registers for eight years. Now, however, they were called upon to pass an *ex post facto* law. They were asked to disturb the right of persons who held under the Reform Act. They were called upon to establish a system of annual re-investigation, first before the assistant-barrister, and then before a judge; to compel a party to appear at one time before the barrister, and at another at the assizes; and, moreover, to produce at the assizes the deed under which he held. What description of property could be held safely with such a condition? What was there in the nature of the franchise that would justify the introduction of a principle of that kind? What was the proper course of legislation with respect to the franchise? Having resolved that there should be a property qualification, and having said that the amount should be 10*l.* to confer the franchise, did they mean to say that the possession of such an amount alone should be the evidence of the moral fitness for a vote? Did they mean to say that there was less moral worth in a party possessed of property worth 9*l.* 19*s.*? They did no such thing; they drew a line at one point as being a test of fitness. What, then, was their duty in dealing with that qualification? It was to provide such legislation, that whilst they guarded, on the one hand, against the intrusion of those whose property was decidedly below the required amount, they did not exclude the many hundreds whose property was virtually above it. For the decision of the questions arising out of this qualification, they were bound to find the best tribunal that the wisdom of the Legislature or the wealth of the State could produce. Having done that, he contended that it was the duty of the State not to doubt its own tribunal by any reference to any other tribunal—to cure its defects by a process of re-investigation. When the Court of Chancery decided a case of appeal, there was no re-investigation. When there was an appeal to the House of Lords from the Scotch courts, the parties could not go into fresh evidence. Where, then, was the foundation for a principle such as was discovered in this bill? By allowing repeated investigations they tempted to perjury, and they not only rendered insecure the subject-matter of investigation, but they left the very mischiefs and inequalities so much complained of by Gentlemen on the other side of the House. So well aware of this evil was the House, that in committees on elections, the lists of objections were delivered to the opposite parties simultaneously, so that the cases of one party were not known to the other, and there were no means of re-investigation. What course, too, did the committee which sat to investigate the subject of fictitious votes in Scotland recommend? Their report affirmed the principle which was the basis of his noble Friend's amendment, that when the right was once established, the fact proved ought to remain, and ought not to be re-investigated again and again. The object of the amendment was precisely similar; it was intended to leave the franchise in repose, because it was known that when witnesses were examined again and again on the same points, they came not to give like evidence from time to time, but to vary their testimony so as to meet the necessities of the case. He said, also, that they ought not, whilst guarding against the introduction of a few voters below the required value, to disfranchise hundreds of the *bonâ fide* constituency. The amendment avoided this; it went on the principle of guarding against fraud, of purging the register of all that was wrong, of relieving it from those errors which time and circumstances might introduce; but while effecting these objects by investigation most stringent, it afterwards left the franchise in repose. With respect to the present constituencies, it was right that he should state what the amount of the disfranchisement must be. Reference had been already made to the number of the constituency in Ireland. In 1829, the Act was passed to raise the franchise from 40*s.* to 10*l.* Under the Act of 1829, there were 20,000 10*l.* freeholders registered. Under the Reform Act, leaseholders as well as freeholders were registered, and there were enrolled 60,000 out of a population of 7,000,000, and these had voted at two elections before the Reform Act, and at three elections since—in five successive elections; and those persons who had so voted, they were now called upon to deprive of a vested right which they had enjoyed for a period of eleven years. Was this just? Was it consistent with the principle adopted in the Reform Act and in other Acts? What did they do with respect to freemen? A man might become a freeman by fraud; his right to the franchise might be fabricated; yet, by a law of old date, the freeman—no matter how the freedom had been acquired—obtained an indefeasible right to the franchise. Yet here were persons who had been registered for eleven years, proposed to be exposed to a system of investigation which the law never contemplated. The noble Lord said, that the fact of registry was *primâ facie* evidence of the voter's right. But what did this assertion mean? Why, that anybody who brought forward one scintilla of evidence against the franchise must necessarily prevail, because the tribunal must decide on the evidence alone. What, then, was the value of the *primâ facie* right given by the noble Lord? What was to become of the gentlemen who were going about the country receiving annuities and valuing the property? Were their services to be dispensed with? The man would come, he would pass over the property a cursory glance, he would come forward in court, and he would state, that in his opinion the farm of no one of the parties objected to was worth 10*l.* What would become, in those circumstances, of the *primâ facie* right they had seen by the evidence taken before the fictitious votes committee. The evidence was unsworn, but they found one set of witnesses asserting that certain tenements, and specifying the persons who occupied them, were not worth more than 7*l.* or 8*l.*, whilst others said, that the very same tenements were decidedly worth upwards of 10*l.* Indeed, on this vexatious question of value there was the greatest temptation for exaggerated testimony, some swearing it up beyond the value, whilst others swore it down, and thus left no benefit for the voter in the proposition of the noble Lord to make the fact of registering *primâ facie* evidence of the right to vote. What then did all this come to? There must be the presence of the voter before the barrister, there must be the continued attendance at the assizes, and then would occur that scene which his hon. and learned Friend, the Member for Tipperary, had so graphically described. In 1829, there had been 20,000 electors registered, who had many times exercised their right, and to the 60,000 registered under the Reform Act, they might add another 20,000, and the noble Lord was seeking to confer on the opulent a power never before possessed by any one, to require an investigation into the right of every one of these registered voters. He asked any man who knew what it was to bring a farmer forward against the frowns of his landlord and the lash of his agent, how many this re-investigation would exclude from the register? They must decide between the extent of the mischief against which they had to guard, and what would be the amount of the injury that they would inflict by the remedy? If the greater evil was in the latter, they ought to reject it. If there was not sufficient capacity in the revising barristers, they might mend the tribunal; but they ought not to leave any power of repeated investigation from court to court.

Sir *E. Sugden* observed, that he had not yet expressed any opinion upon this question, and he would, therefore, preface his observations by saying, that he supported this bill in the full belief that no injury would be inflicted upon Ireland by its operation, and he had formed that belief upon as careful a consideration of its details as it was possible to give to the subject. He was content to be bound by this test—that he would offer nothing to Ireland which, similar circumstances existing, he was not prepared to accept for England. The hon. and learned Gentleman opposite had for the first time admitted, what it was impossible to deny, that the clause upon which the House was called upon to divide, was a clause which in some way or other must find its way into every bill of this nature. In the very bill brought in by the hon. and learned Gentleman himself, there was a clause precisely the same in effect as the clause of his noble Friend. It was impossible, therefore, for him to persuade the Committee that his noble Friend's clause was an unusual clause, or that it would disfranchise any person who ought not to be disfranchised. The clause only related to what was hereafter contained in the bill, and those provisions might be altered or omitted at the pleasure of the House. Both the hon. and learned Member and his noble Friend agreed that there must be a new register. The hon. and learned Member wished to place on the new registry all persons who were on the present. His noble Friend did the same. The provisions of the bill of his noble Friend, and of that of the hon. and learned Member, were in this respect identical, and the only difference between them was one of form, which was seized upon in order to embarrass and obstruct the noble Lord, and to hinder the consideration of the details of the bill. If his noble Friend's bill had been prepared with as much care and anxiety as that of the Government, the noble Lord opposite would have lost the opportunity of dividing on this clause, and some progress might have been made in considering the details of the bill in Committee. Now, what would the Committee say, when he told them that the bill of the Solicitor-general for Ireland was not half so favourable to the voters of Ireland as the bill of his noble Friend? According to the bill of the hon. and learned Gentleman, every one who claimed to be a voter must prove his own title before he could be placed on the new register. But the provisions of his noble Friend's bill required that the existing voter should not be called upon to support his claim until a *primâ facie* case had been made out by the person objecting to the vote. It had been erroneously urged by the hon. and learned Gentleman, the Solicitor-general for Ireland, that according to the noble Lord's bill, a *primâ facie* objection was sufficient to put the voter upon the proof of his claim. No; the objector, according to the noble Lord's bill, must prove his objection, and *primâ facie* proof was not sufficient. This was distinctly specified in the 20th section. According to the bill of the hon. and learned Gentleman opposite, there would never be a moment's peace in Ireland, because he proposed a registration every three months, whereas the noble Lord required only an annual revision. Ministers, in their bill, had not only the annual revision, but also the quarterly registration. The only serious point of difference between the bills of the noble Lord and the hon. and learned Gentleman opposite was, that the noble Lord proposed that the original foundation of title should be examined into, whilst her Majesty's Government said, that they would inquire into everything else except the original title. Let them look to the evidence which had been adduced with regard to Cork. In hundreds of cases, the full 10*l.* value had been sworn to in one month; and four months after the value was sworn to be less than 5*l.*; in some cases, the tenements were declared to be of no value at all. This was surely a matter to which the attention of the Committee should be drawn, seeing that a similar depreciation might occur in all the other constituencies. Was it not by notorious fraud that such persons were retained on the registry? Could they consent to have upon the registry votes acquired by so fraudulent a system? Why, according to the Ministerial bill, when a man was once fraudulently placed upon the registry, there was not the slightest power to remove him; and it was an absolute fact that his want of title would constitute a secure defence for all time to come. Nobody could deny that. He positively asserted it, and defied contradiction, that the very want of title would constitute the man's right to vote for life, without the possibility of appeal. The noble Lord opposite had thrown overboard the safe principle which he had introduced into former bills. He (Sir E. Sugden) did not treat any measure of he Majesty's Government with one-thoursandth part the contempt which the noble Lord himself exhibited. The noble Lord had constantly "new impressions." Upon former occasions, the noble Lord had agreed with his noble Friend, but the noble Lord was forced to discover some difference, and give vent to these novel impressions. The very last bill which had emanated from the noble Lord upon this subject provided that objections might be taken to the vote, "founded upon some matter existing at the time at which such voter was registered." Now, here was the only point in discussion at the present moment, the single subject upon which the noble Lords at opposite sides differed. The clause went on to enact, that "such objection shall be disposed of as if such original registry was had under the provisions of this Act." What his noble Friend then now proposed to do, and what had been objected to with so much warmth and unnecessary declamation, was to be found identically, in all respects, in the very last bill which had been introduced by the then Attorney-general for Ireland, now Chief Baron Woulfe, and the noble Lord, the Secretary for Ireland, as a fit and proper bill. But that bill had not the merit of his noble Friend's bill, because it did not provide that the proof should be thrown on the party objecting, and not on the party defending the franchise. With that exception, there was nothing in the bill of his noble Friend which was not also to be found in the various bills which had, at different times, been introduced by the Government. Before he sat down, he wished to correct a mistake into which the hon. and learned Solicitor-general had fallen respecting the observations of his hon. and learned Friend, the Member for Bandon. His hon. and learned Friend had never intended to compare the electors of Ireland to rubbish. What he said was, that when about to erect a new building the first process was always to clear away the rubbish; and that so, on reconstituting the Irish registry, their first object should be to clear away all the rubbish of bad votes with which it was now encumbered. The right hon. and learned Gentleman concluded by expressing his intention of resisting the amendment of the noble Lord, the Secretary for Ireland.

Mr. *Macauley* said, he entertained so great a respect for the eminent talents and legal acuteness of the right hon. Gentleman who had just sat down, that it was with great diffidence he ventured to oppose his opinion to that of the right hon and learned Gentleman on the construction of a single clause. But when the right hon. and learned Gentleman had emphatically, distinctly, and repeatedly assured the Committee that the question on which they were to divide was, whether a person now on the register was to remain on it all his life, he (Mr. Macaulay) could not but say that it appeared to him that thewords of his noble Friend's amendment by no means bore out such a statement. His reading of the words was, that the voter should be continued on the register so long as his right of voting and the registry were to remain in force, which under the present law were not for the term of his life, but for the period of eight years. If he was correct in conceiving that the right hon. and learned Gentleman had thus from reading it but cursorily mistaken his noble Friend's amendment, he might well suppose that the right hon. and learned Gentleman had not been altogether correct in his other remarks. He utterly denied, that the smallest imputation of unfairness, of violation of Parliamentary rule, or of want of perfect candour, could be brought against his noble Friend. The question which his noble Friend had brought forward was one of the gravest importance; it was the question of re-investigation or no re-investigation, and was one which the Committee would repeatedly have to decide on during the progress of the bill. It was a question which it was possible for any Member of that House, without the slightest infringement of Parliamentary rule, to bring forward on the discussion of any clause in which it could with propriety be inserted. Considering the history of the noble Lord's bill—considering that on the question of going into Committee the noble Lord had a majority of but three, and that of that majority two hon. Members declared themselves unfavourable to the principle of re-investigation, two used language such as gave the House to understand that should the bill come to a third reading, still containing that principle, they would vote against it—he thought his noble Friend was justified on the first occasion which presented itself in taking the opinion of the Committee on the great question of whether re-investigation was to remain the prominent defect of the bill? Although it was the intention of Government to go fully and fairly into the Committee on the bill, he entained no expectation of any good result. He did not hope that any good measure could be made out of one so laboriously, so elaborately, bad as that of the noble Lord; but if any effectual alteration could be made, it must be made by a series of amendments like the present. By such alterations the bill might, perhaps, leave the Committee what it purported to be, a bill to amend the Registration. At present he could designate it by no other name than a bill to take away the right of voting under the pretence of ascertaining it. He need hardly say, that it was to no purpose that the bill did not directly affect the right of voting, because there was no right which could not be annulled by indirect as well as by direct means, or by providing a tedious, troublesome, and costly mode of obtaining it. That was seen in all questions relating to the rights of property. It was to no purpose, by the substantive law of the land, particular estates or sums of money belonged to a certain person, if that law were so expensive as only to obtain his right at a greater expense than the object was worth. There was not an hon. Member in that House who had not at some time or other submitted to an unjust demand rather than run the risk of vexatious proceedings. If a law were brought into that House for the purpose of making justice expensive, he should be justified in calling it a law of spoliation, and so he thought he was justified in designating a bill the object of which was disfranchisement under the name of registration. At the same time he had not the smallest doubt but that the bill of the noble Lord would remove some persons from the register who had not the smallest right to be there, in the same way as if they made a law making the Court of Requests as expensive as the House of Lords. Many a groundless action would be driven out of it, but the question was, whether they would not be throwing difficulties in the way of the just as well as of the unjust claimant. Let the noble Lord satisfy him that the impediments provided by his bill would lie only in the way of fraudulent claimants and he would give him his support. But he saw no provision to that effect in the bill. He saw that it went to make registration costly and difficult both for the fraudulent and the just claimant, and it was on the distinction between the two that the sense of the Committee would be taken. It provided repeated hearings of the same question—first before a subordinate, and then before an appellate tribunal. He would beg of the Committee to consider to what extent that abuse might be carried under the bill. Even the legal knowledge of the right hon. and learned Gentleman would not enable him to find a parallel in any law, British or foreign, ancient or modern. It would not be necessary to select as matter of objection some point which had not been investigated before, for one and the same objection might be raised every time a new assistant barrister came to the country, or as often as a new judge went the circuit. If he rightly understood the noble Lord's bill, an objection might be made in 1840 before the assistant barrister, from that there might be an appeal to the Court of Queen's Bench; in 1841 it might be again brought before the assistant-barrister, and from him to the Court of Common Pleas; in 1842 it might again come before the assistant-barrister, and then there was an appeal to the Court of Exchequer. Nay, further, should there be a new Chief Justice, it might be tried another year in the Court of Common Pleas. Now, he would venture to ask if the whole jurisprudence of the world contained anything which afforded a parallel to such a system of legislation? He would venture to assert that there was no parallel, because, although there was something like it in the English system—and it was the vice of the system—yet there was only one trial, but in any other respect he defied the noble Lord to find a parallel in any country that ever called itself civilized. The noble Lord said, if that power of objection was not given, persons would get upon the registry who had no legal right to be there. Did the noble Lord imagine that there were no persons in possession of property in this country the judgments in whose favour were by no means justified? Did the noble Lord imagine that all the damages awarded to plaintiffs by juries, and that all the large sums which had been paid by the Courts of Law, were sanctioned by truth and justice? Did he not believe that there were many estates which were in the possession of wrong owners? But the Courts of Law could not and ought not to set these matters right by eternal re-investigation. Suppose an injured man had come and said that the judgment obtained against him was erroneous—that he had procured the evidence—that he had found in the bottom of a chest an old paper which would establish his claim—that he had been taken by surprise; the court might naturally say, that they regretted the hardship of the case, but it would be impossible for them to go on hearing and re-hearing the case twenty or thirty or fifty times; that the noble Lord's bill admitted, and it required no great stretch of imagination to suppose a case in which the voter might be objected to 120 or 130 times in the course of his life. He had not the smallest doubt that if they went on hearing criminal cases over and over again, they would at length hang some great ruffians. He had no doubt that if a man brought an action over again for the same cause, some cases of importance might be set right; but it had been ruled over and over again that it was better occasionally that some wrong should be endured than that the rights of society should be constantly interfered with; and why should they depart from that principle in the single case of the franchise? No doubt the bill would exclude many dishonest voters, but the question was, what would be its effect on the honest voter? All the objections in the bill were common to the rightful and the wrongful claimant. The vexation and expense of travelling, of appearing before the judge, of severe cross-examinations, of brow-beatings, and reflections upon his integrity, were all common to the rightful as well as the wrongful claimant. But did the noble Lord believe that a case never broke down unless when a man went with a fraudulent intention? Did he not know that the accidental absence of a witness, or direct perjury—(for if the noble Lord imputed so much on the side of the claimant, surely he might allow a little on the side of the objectors)—would break down the claim? Was he not aware that men, who thought they had a good right, were frequently withheld from pressing it in a court of law, because they were in doubt whether they could establish it satisfactorily; or had the noble Lord never heard of the uncertainty of the law? If out of 100 honest claimants only four or five were defeated, or saddled with costs, could any one doubt that that would act to the injury of the honest claimant? Almost every clause of the noble Lord's bill for keeping out the wrongful, acted just as effectually against the rightful claimant. The noble Lord had drawn a pretty picture of an unfortunate claimant being opposed by a pauper; but the noble Lord should recollect that property was the best of qualifications—that the claim of the rich man must be a valid one, and that it was much more likely that the case might be reversed. He would suppose another case, the case of a man of great wealth, and of imperious, obstinate, and arbitrary temper—one of those men who, as had been said by his lamented and valued friend, in words which should be engraven on his tomb, thought much of the rights of property, and little of its duties. He would suppose that man willing to spend six or 7,000*l.* a year in securing the command of a county, that, every man knew, would not be impossible even in England. He would not mention any recent transaction; he did not wish to mix up personalities with that serious debate; but they all knew that a certain man now dead, provoked by the opposition he received in a certain town, vowed that he would make the grass grow in its streets, and he kept his vow. Another ejected 400 voters in one county, and entered 15 criminal and 225 civil actions. Such a man could easily command an Irish county. It would only be a picture less in his gallery, or an antique gem, the less in his collection. The cost would be but as dust under his feet, compared with the pleasure of domination. He had no hesitation in saying that every clause in the noble Lord's bill tended to harass and obstruct the voter in obtaining his just rights. The effect, in short, would be, that a great many would abandon the claim altogether. The franchise was a sacred public trust, which should be used for the benefit of the public, and yet when honestly seeking that, their pecuniary interests were to be seriously affected. They should also take into consideration that men did not go to the registry with the same spirit with which they went to the poll. There had been few registrations since 1826, at which a general election was expected; and men who, when the candidates were declared, and when perhaps the fate of a ministry was to be sealed, would pay 50*l.* or run any trouble to record their votes in a hard-fought election, would hardly go across the street to register. Therefore, you ought rather to encourage than discourage registration. Yet, supposing a Parliament to last seven years, the noble Lord's bill would expose the voter to fourteen law-suits, against which what human fortitude or human patriotism could stand out?—and this was the principle which the House was now called upon to assert or reject. Sir (continued the right hon. Gentleman), there is another consideration which applies specially to Ireland, that is the state of the franchise. It is impossible to separate that from the subject of registration—it is impossible to have a perfect law of registration, that is, one which shall throw the greatest difficulties in the way of the wrongful, and every facility in the way of the rightful claimant: but it is still open for you to distinguish as clearly as possible which are the rightful and which are the wrongful claimants, and how can I decide upon a question like this without looking at the state of the franchise? It is impossible not to feel how much more the Irish franchise is restricted, as compared with the English, even by the Reform Bill—how much it is restricted even below what Pitt and Castlereagh, and Grenville, and Wyndham, considered to be just. Looking at statistics, I find that Westmoreland, with little more than 50,000 inhabitants, and covered by naked hills and barren moors, has more voters than any Irish county—than Tipperary with 400,000 inhabitants, or Cork with 800,000. Sir, I cannot think that even the superiority of England in point of property can explain so enormous a disparity; and, whatever way I look at the question, I think that the Irish franchise ought to be rather extended than restricted—if it is to be altered at all—and I do not pledge myself to support any proposition for its extension; but if I hesitate to interpose to make it better, I will not lay violent hands upon it to make it worse—and strong as is my regard for the great settlement of 1832, I will never consent to make it final as against the people alone; and if not restoring what it took away, I will not consent to withdraw the smallest portion of what it gave. But, Sir, this is not an Irish merely, it is an imperial question. I hope and trust that if the bill is to pass at all, it will pass modified by the amendment proposed to-night, and by others conceived in the same spirit. But if not, I shall regard it as the first step in a great retrograde movement—as the beginning of a scheme of which the object is to undo what was done by the Reform Bill. I do not believe the Reform Bill would be directly attacked. Much as hon. Gentlemen have talked of re-action, they well know that there has been no re-action here—they well know that it would not be safe to attempt to despoil our great cities and towns of political power, and confer it again on old walls and mouldering towers, But what cannot be done directly may be done indirectly—it matters not what franchise is conferred if the means of acquiring it are restricted. It matters not how well the law of rights is framed, if not accompanied by as efficient a law of remedies—power that can be obtained only by wealth or time, though nominally given to the many, is really given only to the few. Let us have the most democratic Reform Bill, and let the noble Lord frame our registration, and political power may yet be in the hands of the aristocracy and its tools. The Opposition begin with Ireland, and they are wise. Distance, difference of religious belief—perhaps that unfriendly feeling, the natural effect of much wrong inflicted, and much wrong endured—may have deterred the people of this country from resenting the insult offered to the Irish nation as they would have resented the same insult to themselves. But, Sir, I grieve for the short-sightedness of my countrymen; Ireland is the first field—it will not be the last. I believe this struggle is just as much for Yorkshire and Kent as for Cork and Kerry. And the day, when the constituencies, worked upon by this bill, shall send up to this House representatives regarded by the Irish people as enemies, will be dark and dreary for the liberties of England. But it is not necessary that I should resort to topics like these. The derisive expressions of Gentlemen opposite, I suppose intimate, that they would be unjust to Ireland alone. Well, whether they mean this injustice to be confined to Ireland or to extend to England, I hardly know how to express my reprobation of so odious and disgusting a measure. The people of Ireland have been already hardly enough used. When we granted them religious emancipation, we took away their franchise. By the Reform Bill, a very small portion of what was before taken away was restored; and now the noble Lord by this bill would take away the little which the Reform Bill bestowed. There is only one bill on the table relative to the registration in England, a bill laid on the table by the same hand that laid the Reform Bill there, and one worthy of that hand. But as regards Ireland, we are now discussing a bill made up of the very worst features of all the bills that have been of late years introduced on the subject of registration—of the English system, of the system at present existing in Ireland, and of the ill-considered plan of Sir Michael O'Loghlen. Yes! the ill-considered plan of Sir Michael O'Loghlen. Each and all of these systems have been made to contribute their evil, but not one of their redeeming qualities, and the noble Lord, out of those evil qualities has framed his bill. What must be the feelings of the people of Ireland when they compare that bill with the bill laid on the table by my noble Friend, for the settlement of the registration system in England, to perpetuate differences and to excite discord seems to be the object of the noble Lord? Not such was the spirit in which the great minister who carried the act of Union treated the people of Ireland. The words which he quoted seem to have been forgotten by the noble Lord.

> "Paribus se legibus ambæ
> Invictæ gentes æterna in fœdera mittant."

These were the sentiments of the promoter of the act of Union. I venerate that great measure. I am ready to defend it against the open enmity of the hon. and learned Member for Dublin, as against the still more dangerous friendship of the noble Lord. I am satisfied that for every repealer made by the eloquence of the hon. and learned Member for Dublin, ten would be produced by the bill of the noble Lord if it passed in its present shape, and unmitigated. Should an universal cry for repeal of the Union arise in Ireland on the passing of the bill. I should not regard it in any other light than as the natural succession of effect and cause. It would be puerile, nay, it would be hypocritical, to go on misgoverning, and to pretend to hope that the results of good government would follow—to assume that those whom we treat as aliens, ought to feel towards us as brothers—to oppose agitation and multiply the grievances by which agitation is alone supported, and by which it was originated—to raise the cry of civil war whereon the people of Ireland called for a repeal of the legislative Union, and at the very time when you are taking steps to annul all those rights and privileges, without which the legislative union would be but an empty name.

The House divided on the question that the words proposed by Viscount Morpeth be added—Ayes 296; Noes 289; Majority 7.

List of the AYES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. G.
Berkeley, hon. C.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Butler, hon. Colonel
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hn. G. H.
Chalmers, P.
Chapman, Sir M. L. C.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Viscount
Clive, hon. E. B.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Crompton, Sir S.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Dundas, D.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord D. G.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Howard, hon. E. G. G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Viscount
Hume, J.
Humphery, J.
Hurst, R. H.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Johnson, General
Labouchere, right hon. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.

Lushington, C.
Lushington, Sir S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. John
Milton, Viscount
Molesworth, Sir W.
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Morrison, J.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Phillips, Sir R.
Phillips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Rawdon, Col. J. D.
Redington, hon. T. N.
Rice, E. R.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rumbold, C. E.

Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherford, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, right hon. R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir M. W.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talbot, J. H.
Talford, Sergeant
Tancred, H. W.
Tavistock, Marq. of
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hn. H. R.
Westenra, hon. J. C.
White, A.
White, H.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.

Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.

Wyse, T.
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Parker, J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Bethell, R.
Blackburn, I.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantalupe, Viscount
Cartwright, W. R.
Castlereagh, Viscount
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.

Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A. H.
Compton, H. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. A.
Duncombe, hon. W.
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forrester, hon. G.
Fox, S. L.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.

Grimsditch, T.
Grimston, Viscount
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl of
Johnston, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Lefroy, right hon. T.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Mathew, G.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Northland, Lord
O'Neill, hon. J. B. R.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, right hon. Sir R.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, right hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirely, E. J.
Sibthorpe, Col.
Smith, J. A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
St. Paul, H.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Tomline, G.
Trench, Sir F.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Wynn, rt hon. C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Fremantle, Sir T.

Lord *Stanley* said, that after the decision to which the House had come, he should offer no further opposition to the amendment of the remainder of the clauses. He presumed that, after the other side of the House had amended the clause as the noble Lord proposed, there would then be no objection to their reporting progress and asking leave to sit again.

Viscount *Morpeth* assented, and the necessary verbal alterations were agreed to accordingly.

Lord *Stanley* then said, that it only remained for him to say, that much as he regretted the decision at which the House had arrived, it should not have the effect of inducing him to withdraw from the further prosecution of the object which he had in view. Bowing to the decision of the House, he should now endeavour to make the measure as perfect as he possibly could, and to carry it through the Committee in such a form as to secure its favourable reception on bringing up the report. As to the period at which they were to proceed with these bills, the House would recollect that they had determined to proceed with the two registration bills on Monday. He concluded that they would adhere to their former decision of giving to the Irish Registration Bill then before them precedence over the English bill, and over the other measure which had been introduced upon the same subject. He distinctly understood that the question of Irish Registration was to take precedence, and under that impression he should fix Monday for proceeding with it.

Lord *J. Russell* said, he should state at once the course which the House he thought ought to take. The House had resolved to proceed with the Committee on the Irish Registration Bill in preference to the English bill, leaving the notice of his hon. Friend, the Member for Halifax, to apply to either measure. But that course would not impede the second reading of either of those bills, nor would it form the least objection to proceeding with the Committee upon the bill of his hon. and learned Friend, the Solicitor-general for Ireland. When, therefore, the noble Lord opposite proposed to the House to take the Committee on this bill in preference to the Government orders, he should oppose that motion, and move as an amendment, that it be taken on some other day.

Lord *Stanley* said, that he never had proposed to proceed with this bill in preference to the Government orders. The noble Lord had proposed that the third reading of two bills should be taken on Monday. He did not mean to interfere with that proposition. On the subject of Irish Registration there were two rival bills before the House. It would be idle to proceed with them concurrently, setting a clause in one against a clause in the other. It would tend much more to the despatch of the public business if they took one or other of the proposed measures as the basis of their proceedings. Whichever course they thought proper to adopt, he would bow to their decision.

House resumed, and the Chairman reported progress, and asked leave to sit again on Monday,

Lord *J. Russell* moved as an amendment, that the Registration Bill proposed by his hon. and learned Friend, the Solicitor-general for Ireland, should be taken in preference. He should propose that a day be fixed for that purpose, but not on Monday. If the House adopted the general principles of the bill of his hon. and learned Friend, then he should propose to proceed with the Committee on Thursday.

Sir *R. Peel* wished to know from the noble Lord opposite whether he intended to take the sense of the House upon that point. [Lord *John Russell:* Yes.] Such a proceeding was certainly without a precedent. He did not recollect a single instance in which any thing of the sort had ever been attempted. His noble Friend did not propose to give his bill precedence over the measures of her Majesty's Government. All that his noble Friend asked was, that if they went into the Registration question, they would give precedence to his bill. Surely then they might leave it to him to fix the day upon which he was to proceed with his own measure. It had been said, that they would go fairly and fully into the question of Irish Registration; that understanding had been acted upon nominally, and after they had made almost no progress, objections were thrown out, and those objections were raised not so much against the measure as against the man. On the first clause the amendment of the other side was adopted, and now they refused to allow the noble Lord to alter his bill in accordance with that amendment; but, on the contrary, noble Lords opposite appeared determined to take a course wholly at variance with the uniform usage of the House.

Viscount *Howick* said, that before the House divided, he could not help appealing to his noble Friend to save them from the extreme inconvenience of the course he now proposed. If they were to have a division upon the order of their proceedings, he thought it would conduce to the convenience of the House, as well as to the regularity of their proceedings generally, if that division were to take place not then, but on Monday, the day for which the noble Lord who had the conduct of this bill proposed to fix it, upon the understanding that he would not allow it to interfere with the Government orders, which his noble Friend intended proceeding with. He did not think it at all desirable or expedient, after all that had passed, to go to a division upon the mere form of fixing the bill for Monday, or upon the question whether the bill of the Solicitor-general or that of the noble Lord opposite should be first proceeded with. Divisions of this kind could not possibly lead to any useful result. They only created a further waste of time, and would besides increase the excitement and acrimony which this subject had already given rise to. The far more regular course would be—having proceeded thus far with an Irish Registration bill—to continue the discussion of that bill before they proceeded with any other on the same subject. He had that night voted in favour of his noble Friend's amendment; but he had not done so, he confessed, without some reluctance. Although he did concur in the substance of his noble Friend's amendment, and in the objection to the re-investigation of claims that had been already fairly considered, yet he did feel that the mode in which that amendment had been brought under consideration was greatly calculated to delay the proceedings of the House. Although he had gone this length, from an anxious desire as far as possible to support his noble Friend, yet, undoubtedly, if his noble Friend took a division then upon an objection which he agreed with the right hon. Baronet opposite in thinking unprecedented, namely, an objection to allow the noble Lord who had the conduct of this bill to fix it for the day upon which he thought it best it should stand, it would be utterly impossible for him to vote with his noble Friend. He, therefore, hoped that his noble Friend would not put the House to the inconvenience of such a division, and that if it were to take place it should be at a time when the noble Lord was actually about to proceed with the bill.

Lord *J. Russell* said, it appeared to him that if this question were to be decided, it might as well be decided then as at any other time. As his noble Friend, however, objected to that course, he would not press it, as it was just the same to him to take the division on Monday. He was happy to have his noble Friend's support upon the present occasion; but he owned it did appear to him—and he would be ready to argue the point on Monday—that the Government having brought forward a bill upon this subject, were entitled to propose the second reading of it upon a Government day, and before any other business.

Committee to sit again on Monday.

HOUSE OF LORDS,

Monday, June 22, 1840.

MINUTES.] Bill. Read a second time:—Protestant Episcopal Church (Scotland).

Petitions presented. By Lord Hatherton, from Kinver, and Wetley Rocks (Staffordshire), against Travelling by Railways or Canals on the Sabbath-day.—By Viscount Strangford, from Hampton-upon-Thames, against further Grants to Maynooth College.

MR. O'CONNOR.] Lord *Brougham* presented a petition from Mr. Feargus O'Connor, to which he begged leave to call the attention of his noble Friend. The petitioner re-stated his former complaints as to the treatment which he had received in York Castle, particularly as to his having been prevented from seeing his legal adviser. He averred that his former statements were correct, which related to his treatment from the 21st of May up to the 1st of June, and stated, that any alteration which had taken place in his treatment had occurred since the last mentioned period. He complained, that the inquiry set on foot into the allegations made by him was not a just one, and that, considering his state of health, he ought not to have been removed to a distant prison. He (Lord Brougham) knew nothing whatever as to the correctness of these statements, but he felt it to be his duty to lay this petition, in which Mr. O'Connor complained of his unfortunate situation, before their Lordships, and thus to give his noble Friend an opportunity, as he then did, to give any explanation on the subject which he might think proper.

The Marquess of *Normanby* said, that the petitioner, in the first place, was under a complete misapprehension as to the nature of the inquiry that had been set on foot, in consequence of his representations. A gentleman had been sent down to inquire whether the magistrates had complied with the rules and regulations of the prison, or whether they had exceeded them. The other part of the inquiry was directed for his own information, to enable him to judge whether it would be proper for him to take steps to remove Mr. O'Connor from York Castle to another prison. As to the first point, it was found that the magistrates had not violated any of the rules or regulations of the prison in the case of Mr. O'Connor; and, as to the second, nothing appeared that called for his removal. On this point, he had endeavoured to acquire all the information that he possibly could, and on that information he had acted. He did not wish to enter at large into Mr. O'Connor's representations on this occasion, but he was bound to say, that, in his mind, the weight of the testimony of the magistrates preponderated on every point. So far from any undue labour being imposed on Mr. O'Connor, one of the prisoners was directed to attend to him, and that man complained to Mr. Crawford of the extra labour imposed on him in consequence. It was denied that Mr. O'Connor was compelled to perform menial offices. He volunteered to assist in cleaning the yard, but was requested not to do so, and after he had wetted his feet, he desisted. As to the refusal to allow his professional adviser to see him, that was not the fact. Orders were given, that his professional advisers should have access to him at all convenient times, and Mr. Crawford stated that the gentleman who was represented to be Mr. O'Connor's legal adviser, and who, it was alleged, was refused admission to him, told him that he did not want to see Mr. O'Connor on professional business. As to his accommodation, it was stated that Mr. O'Connor's cell was furnished with a chair, a table, and a carpet. He was not called on to perform any menial office. He was locked up, and retired to rest every night at 9 o'clock, and remained thus till 7 in the morning. Finally, he was allowed newspapers and other publications. There was another point, with respect to which Mr. O'Connor seemed to labour under great misapprehension. His being sent to York Castle, was not the act of the Secretary of State, but of the judges. They considered which was the most proper place of confinement for Mr. O'Connor, and they selected York Castle. An objection was made to that prison, and an inquiry relative to it was instituted, the result of which was, that it was declared to be a very proper place. Application was afterwards made, stating that Mr. O'Connor could not be removed immediately without great danger to his life; and he had directed that Mr. O'Connor should not be removed until inquiry was made into the actual state of his health. The responsibility rested with the Marshal of the Queen's Bench to carry the sentence of the law into effect; and he exercised his discretion, after a communication with the Home-office, in sending Mr. O'Connor away. He believed, that, during the journey, Mr. O'Connor never complained of ill-health. He did not mean to speak lightly of the painfulness of Mr. O'Connor's situation; but, he believed, that under all the circumstances the utmost indulgence had been given to him during his confinement.

Lord *Brougham* said, it was true that the Secretary of State had nothing at all to do with sending Mr. O'Connor, in the first instance, to York Castle. But Mr. O'Connor complained, that the application which he afterwards made to the Home-office to be removed from that prison, was refused. With respect to being debarred from seeing his legal adviser, the petitioner positively asserted the fact, and flatly contradicted the statement on the other side.

The Marquess of *Normanby* said, Mr. Crawford's statement was, that he was told that Mr. Clarkson, who was described as the professional adviser of Mr. O'Connor, wished to see him; but, on inquiry, he found that it was not on professional business. He was convinced that Mr. O'Connor's professional adviser was not refused admission to him, because strict orders were given that his friends and relations should be admitted at proper and convenient times, and, above all, that his professional adviser should have easy and ready access to him.

Petition laid on the table.

NEW SOUTH WALES.] The Bishop of *Exeter*, having presented a petition from the Archdeaconry of Cornwall, praying for church extension, more especially in Australia, trusted that he should not have occasion to occupy their Lordships' attention long upon a subject which he should not have mentioned at all, but for something which had occurred during the discussion upon a most rev. Prelate's motion respecting transportation, when he (the Bishop of Exeter) said something in justification of this colony, which had been a good deal maligned by strong statements. He observed, upon that occasion, that it was a sufficiently great hardship upon this colony not to have secured the advantages to be derived from free emigration, according to the distinct pledge of the Government. [The Marquess of *Lansdowne*: No such pledge has been given.] He differed from the noble Marquess as to the fact, and would presently show that a distinct pledge had been given. The noble Marquess had stated, upon the occasion to which he referred, that the Government wished to employ all the funds derived from the sale of the colonial lands for the purpose of promoting free emigration; but, so strong an indisposition existed amongst the colonists to pay, not the new, but the old, expenses of the colony, that the Government had found it necessary to allocate, to the liquidation of them, funds which, under different circumstances, would have been applicable to emigration. The colony of New South Wales had originally been established, as their Lordships knew, as a penal settlement. The only settlers were the military and civil officers, who had accompanied the convicts, and taken their families with them, having been induced to settle by those grants of land which were successively made, with other considerations. Matters went on thus for several years. At length, in the year 1831, when the noble Earl (Ripon) was Secretary for the Colonies, anxiously consulting for the best interests of this district, he directed that the proceeds of the sales of land should form no part of the annual income of the colony, but should be considered as capital. A paper had been laid before the other House of Parliament, in 1837, by Sir George Grey, in which it was distinctly stated, that "the funds derived from the sale of Crown lands should be looked on as capital, not as annual income." In 1838, a different process was introduced, and it was no longer a question whether the whole produce of the sale of the Crown lands should be devoted to the purpose of free emigration, but to prevent very large defalcations in the revenue, to the extent, as he was informed, of very nearly 400,000*l.* To ascertain the exact amount would be one of the objects of his motion. In that same year, a report of a committee of the Legislative Council of the colony contained the following passage:—

"Your Committee trust it will not be deemed irrelevant to state their opinion of the justice as well as the policy of applying the proceeds of the Crown lands exclusively to the introduction of a moral and industrious class of inhabitants. The first emigrants were induced to embark their fortunes in this distant colony, under the promise of receiving free grants of land, and in the confidence that the same policy would be continued as the best means of settling the country. If it has since been deemed expedient to sell the lands in lieu of granting them, as before, it is considered by the inhabitants merely as the conversion of capital into another form, and that the proceeds of the sale of land should still be applied to the same purposes as the land itself. If there be any justice in this argument it derives force from the circumstance that this colony is made the receptacle for the outcasts of the United Kingdom, and is consequently loaded with a vast disproportion of immoral people. That the colonists have derived many advantages from the transportation of convicts, cannot be denied; but the system has brought with it a long train of moral evils, which can only be counteracted by an extensive introduction of free and virtuous inhabitants; and the only means upon which the colonists can safely rely for accomplishing this vital object, is the revenue for the sale of lands. It is, for these reasons, that your Committee are anxious to record their opinions, as well as that of the whole community of the colony, that the funds arising from the sale of lands should be appropriated exclusively to the purpose of introducing a moral and industrious population; that they consider this appropriation alike indispensable to the present interests, and the future prosperity and character of the colony; and that they regard the opinion expressed by the Secretary of the Colonies, in 1831, and approved by the Lords of the Treasury, in the light of a pledge by his Majesty's Government that the Crown lands of the colony shall be held sacred to the promotion of emigration."

The committee constituted, perhaps, the most important body in the colony. They were nominated by the Crown, held high offices, were many of them natives of this country, in some cases were not at all connected with land, and their statements might, therefore, be looked upon as impartial. When the report of the committee reached England, Lord Glenelg directed that it should be communicated to the Treasury; and a letter was subsequently forwarded from the Treasury, showing that an application had been made of a portion of the funds, in accordance with the wishes of Lord Glenelg. Upon the 18th September, 1836, Lord Glenelg wrote as follows:—

"Referring to the concluding paragraph of the report of the committee of the Legislative Council, in which they strongly urge the application of the whole of the revenues arising from the sale of Crown lands to the promotion of emigration, I am of opinion that the funds so derived cannot be more properly or beneficially appropriated than in the advancement of this object; and I am therefore prepared to sanction the appropriation of as large a portion of them as may be required for emigration. With this view, I have to request that you will, at the end of every year, transmit to me a statement of the revenue derived from the sale of crown lands, and also of the disbursements made from the same source in furtherance of emigration; and I would recommend that no portion of such revenue should, on any account, be devoted to other purposes, until this primary object has been sufficiently provided for."

In a subsequent despatch from Lord Glenelg to Sir Richard Bourke, though it was now said there had been no pledge, let them hear what the Secretary for the Colonies, of that period, said. The despatch was dated March 23, 1837. After desiring an annual estimate of the probable fund likely to be available from the sale of crown land within the colony, it proceeds—

> "You will consider yourself at liberty to appropriate one-third of this sum to the payment of bounties on emigrants introduced by private settlers on the terms of the Government notice of the 28th of October, 1835; and the remaining two-thirds will be expended under the directions of the chief agent for emigration in this country."

Here was, he contended, a distinct promise and pledge on the part of the Government at home. In August, 1836, the committee of the House of Commons on the disposal of lands in the British colonies, recommended that the principle laid down by Lord Ripon's regulation, expressed in the above extract, should be affirmed by an act of Parliament. But the then Under-secretary of State for the Colonies demanded to know

> "What greater security would there be in the colonies from a law, than from a regulation binding on a colonial governor."

He thought that he had now adduced the clearest possible evidence of the existence of a pledge. The colonists were not disposed to grumble at reasonable charges connected with their administration, though against other items, such as those for police and gaols, which were required by the transportation system, they had strongly protested as being payable of right by the parent country. In November, 1839, a committee of the Legislative Council had strongly stated, that these expenses ought to be borne by the Government at home. But the complaints ended here; for he was assured that the charges for the administration of justice, which, in 1838, amounted to 80,000*l.*, had been paid without a murmur—80,000*l.* for this purpose in a colony, which contained only 70,000 inhabitants! This was about 1*l.* 3*s.* per head; while the average charge borne by each inhabitant of the United Kingdom for the administration of justice, army, navy, ordnance, and every other department necessary for the maintenance of the honour and security of the country, was only 14*s.* 2*d.* per head, being something less than two-thirds of what was paid by the inhabitants of New South Wales for the single item of the administration of justice. Did their Lordships know how many convicts had been sent out to that country, since its first establishment as a penal colony? No fewer than 110,000. If these persons had been subjected to secondary punishment at home, they could not have cost the country less than 100*l.* per head. 11,000,000*l.* had thus been saved to the country, the only deduction being the expense of carrying the convicts out. It was to be recollected, that this was one of the circumstances by which many people had been induced to settle in the colony, and expended not their money only but themselves. Among them there were many men of great respectability, some connected with their Lordships, who found themselves now without labourers to watch their sheep and perform other menial offices, by which gentlemen at home would consider themselves degraded, but which he trusted that those gentlemen had too much strength of mind to consider a degradation. Since 1831, 800,000*l.*—probably more—had been expended by capitalists from this country; but, since 1835, the Government had abstained from allocating to the purposes of free emigration any portion of the funds which they had pledged themselves so to allocate. He was informed, that during the present year not a single ship had been sent out. And, at the very time when the Government put an end to transportation, not the slightest provision had been made to provide free labourers. Had the 400,000*l.*, which had been diverted from its proper application, received its just direction, 25,000 free labourers would have been already added to the population of the colony. But this was a far larger question than might at first be supposed. Persons were in the habit of considering this colony, although a flourishing one, as only still in its infancy; but he was astonished to find the extent to which the manufactures of this country were introduced into New South Wales. By a return which he held in his hand, he found the declared value of the exports to New South Wales, in 1840, was not less than 1,173,440*l.* That was no trifling amount; and it was, in fact, more than double what was exported from England to Sweden, Norway, Denmark, or Prussia. In fact, there was no market in any country in the world, which, in proportion to its population, required so large a portion of our manufactures as New South Wales. The exports from this country to New South Wales exceeded by 1-20th those to Belgium, and by 1-10th also those to Portugal, while they almost equalled the amount of our exports to China, and were only 1-4th less than those to Russia. He would now compare the exports to New South Wales with those to another and most interesting colony—he alluded to Canada. All the British North American colonies required British manufactured goods to the amount of 1,990,000*l.*, while New South Wales alone, as he had before stated, required nearly 1,200,000*l.* In Canada, the population amounted to 1,500,000, and the exports to the whole of British North America amounted to only 1*l.* a head. The population of New South Wales, on the contrary, was only 110,000, so that the exports to that colony exceeded 10*l.* a-head. Was such a colony, he would ask, to be trifled with? He merely asked for justice, but did not common policy dictate that the condition of a colony requiring such an amount of our manufactures should be favourably considered by the Government? He was convinced, that unless the grievous injustice which he had attempted to expose to their Lordships, was put an end to, it would be impossible for the colonists not to feel strong indignation against the home Government, and it would require a large share of patriotism and virtue, if their complaints were not attended to, if they did not strive to shake off what they would feel to be the yoke of England as soon as possible. In addition to what he had already stated to their Lordships, he was informed that a new charge had been recently fixed upon the colonists of New South Wales. He was assured, that the charge of New Zealand had been fixed upon the colonists of New South Wales. That charge might not be great in amount, but he could not see why it should be fixed upon New South Wales. He was sorry for having trespassed so long upon their Lordships' valuable time, but the subject was one in which he was sure their Lordships would sympathize. The right rev. Prelate concluded by moving for returns relative to free emigration to New South Wales.

The Marquess of *Lansdowne* rose, he said, for the purpose of troubling their Lordships with a few observations, because the right rev. Prelate, in giving notice of this motion, had addressed himself particularly to him. The right rev. Prelate was fully entitled to do so, having expressed, as he had done, opinions with respect to emigration—opinions that he did not at all retract, because it was, and still continued to be his opinion, that with Government it was a very important duty to attend to emigration; but more particularly a duty, considering the events that had befallen this country, and especially with reference to that colony which was the object of the present motion of the right rev. Prelate. Emigration was at all times, and in all states of society, a feature in the social condition of a country, which a government was bound to attend to, but which a government in this country was bound beyond all others to keep in view, consisting, as it did, more than any other country, of a great manufacturing population, subject to all the fluctuations that were incidental to the condition of a manufacturing population, and by its commercial interests connected with the remotest parts of the globe, and by a right of settlement or of conquest, governing a large portion of the south, and therefore peculiarly qualified to carry into effect that system of emigration, which if the Government did not provide, at least it should encourage and protect. They came then to the application of these general principles to the colony of New South Wales. Although he was not prepared to contend, that emigration should be raised by artificial means—forced as if it were by a hot-bed—but should be left to the natural operation of events arising from natural causes, and which would induce large bodies of persons, under the protection of Government, to emigrate to those regions where there was a demand for their employment—for their skill and labour—though such a natural course of events would lead to the most favourable system of emigration that was ever seen in the progress of the world, yet he was ready to admit, that with respect to New Holland, a reason did exist for interference on the part of the Government, and he did contend that was an interference which had been wisely and properly begun by his noble Friend whom he saw opposite, and who occupied the situation of Colonial Secretary in 1830, and that had since been prosecuted by each succeeding Colonial Government, and the benefits derived from which it would surprise their Lordships to hear. The details which he had to state upon this important subject he was sure would not be uninteresting to their Lordships. He would first remove a fallacy which appeared to lie at the bottom of the observations of the right rev. Prelate. He wished to remove the idea of anything like a pledge having been given to the colony of New Holland, that the whole produce of the land revenue of the country should through all time be applied to the emigration of persons from this country. He must call their Lordships' attention to the particular expressions which were supposed to be the foundations of that pledge, and to the particular circumstances connected with the state of the revenue under which those expressions were used. Before the year 1831 emigration of free labour to the colony was not promoted. Down to the year 1827, the custom of the colony was, to transmit all its revenue to the English treasury in the lump, and the English treasury provided for the establishment of the colony. In that year, as the colony gradually advanced in importance, a more systematic plan of Government was observed, and the salaries and establishments of the colony were paid in New Holland. In the year 1831, the year in which the supposed pledge was stated to have been given, the Government of that day and in particular his noble Friend opposite (the Earl of Ripon) who filled the Colonial Department, had his attention directed to the importance of encouraging emigration, and of adopting a different system with regard to the allocation of land in the colony, which up to that time had been freely granted. The Government thought, and the wisdom of the opinion had been confirmed by subsequent experience, that it would be much more beneficially managed by a regulated and graduated sale of land constantly taking place in the colony, thereby increasing its resources, and providing in the most effectual manner for the use and cultivation of the land. Under those circumstances his noble Friend, having had his attention particularly called to an estimate which represented the amount likely to arise from the sale of land to be about 10,000*l.* a year, was induced, in order to avert the alarming consequences which were threatened in the colony by the deficiency of females, to give particular encouragement to the emigration of females to that settlement. His noble Friend with this view suggested that so much of the territorial revenue of the Australian colony as arose from the sale of lands should be applied to the assistance of female emigrants. But he did not conceive that his noble Friend could have intended, in stating that opinion, to bind himself and every Government succeeding him, that whatever might be the circumstances or increased amount of the land revenue, it should in all cases and for all times be so applied. He believed that it was not intended by his noble Friend, and it certainly was not in the contemplation of the Government, because his noble Friend could not have done it without the authority of the Treasury. In answer to the representation which his noble Friend made to the Treasury on the subject, Mr. Stuart, the secretary, addressing Lord Howick, said,

> "I am commanded to acquaint you that my Lords entirely concur in the importance which his Lordship attaches to the increase of females in New South Wales. They approve of his Lordship's proposal to apply the produce of the sale of lands in the colony for the present to the encouragement of the emigration of females to the colony."

It was obvious that by the use of the words "for the present," the Treasury wished to avoid committing themselves for any long time with regard to a colony of which the circumstances were changing from year to year. The system of sale answered beyond the expectations of those who encouraged it, and who calculated that the sale of lands would yield a revenue of 10,000*l.* a-year. The first year the amount was 12,000*l.*, and the last year of which there was an account it had risen to 120,000*l.* or 130,000*l.* No decision of the Government, founded on a revenue of 10,000*l.* a year, could have been intended a perpetual pledge that, no matter how great might be the increase of that revenue, it was still to be applied exclusively to emigration. It might have suited the purposes of some persons in the colony to assume that such was the intention of Government. Lord Glenelg, in entering on the subject, had only sanctioned the appropriation of "so large a portion of the land revenue as might be required for emigration." The right rev. Prelate complained of certain charges being unjustly thrown upon the colony. Without stating any general principles as to the mode in which the expenditure of colonies should be regulated, he might observe that in some few cases, as where colonies were held only as military stations, it might be incumbent on the mother country to bear the whole expense of their establishments; but in the great majority of colonies, and particularly in those which developed resources of their own—which possessed a great extent of territory, and had a flourishing agriculture and commerce, it was fair that they should bear the expenses of their own internal establishments, and that they should be indebted to the mother country only for naval and military protection. It was true that a great part of the expense of gaols which had been imposed on the colony arose out of the system of transportation which had been carried on for the benefit of the mother country. But, although that system was liable to great objection on moral grounds, it contributed greatly to the material prosperity of the colony. No charge had been imposed on the colony beyond what the police and gaols indispensably required, and the revenue had increased by 40,000*l.* more than the increase in the expense of police and gaols. Their Lordships were not to suppose that emigration had not flourished under the rules which had been laid down by the Government. In the beginning, when the emigration of free labour was encouraged by his noble Friend, the number of emigrants was 800, and under the system which the right rev. Prelate described as depriving the colony of New South Wales of the system of free importation of labour, the number had increased so much, that within the last three or four years the average was 4,500 annually, independently of those introduced by bounty. In the course of the last two years the sum expended in sending emigrants to New South Wales was even 30,000*l.* or 40,000*l.* more than the whole of the land revenue during the same period. The expenditure to promote emigration in the years 1838 and 1839 was 260,000*l.*; whereas the whole produce of the land revenue in the two years was only 220,000*l.* Besides the emigration from this country, facilities were afforded to the local Government of New South Wales to bring persons in by bounty. Thus, besides the constant stream of emigration of free labour, there was the additional stream of emigration provided for by bounty by New South Wales itself. At the present moment authority was granted to the Government of New South Wales to go to any extent to which they could go—after providing for internal Government, for the salaries of public officers, and the expenses of police and gaols, in the way of applying the land revenue by means of bounty to the importation of labour. The right rev. Prelate had referred to what he appeared to consider a stoppage in the emigration; but, in fact, there was no abandonment of that system of sending out free labour, which he trusted would be the constant policy of the Government. The government of New South Wales had availed itself of the power to apply the land revenue in the way of bounties to a much greater extent than had been anticipated, and it did not appear safe to send out any more free emigrants until it was known to what extent this emigration under the bounties had taken place. It was a system which had grown up under the other, and might, perhaps, ultimately be found preferable. Meanwhile, the emigration had increased in quantity and improved in quality, a matter by no means indifferent to the colony. It had been the custom to send out too many small children. The proportion of children under seven years of age sent out in former years was 34 per cent., but last year it had been reduced 11½ per cent. This showed a considerable improvement in the quality of the population sent out. Formerly, too, the mortality in the ships had been considerable, but from the care bestowed in providing ship surgeons, and inspecting the condition of the passengers, the mortality had been reduced from five per cent. to two per cent. He subscribed to all that the right rev. Prelate said of the growing importance of the colony to this country. He believed it deserving of the constant and favourable attention of this country, but he did not believe it inconsistent with the welfare of the colony, or inconsistent with its relations with this country, to require that the colony should maintain its own establishments. He should be glad to consent to the production of every paper connected with the subject up to the last moment.

The Earl of *Ripon* thought that the production of those papers, whether they established a charge against the administration of those funds, or afforded an explanation of the circumstances in which the interests of the colony were placed, would be very useful to their Lordships. He fully subscribed to everything that had been stated respecting the value and importance of the colony, and the necessity there was of constant vigilance on the part of the Government and of Parliament to the promotion of its interests. He would now state how far he could have been understood as having given a pledge respecting the application of those funds, which could be held to be a breach of faith at any future time, if any portion of them were diverted from the object he had in view. In more than one communication with the Government, he had thought it a wise principle to lay down, that when land in our colonies was only to be obtained by purchase, the proceeds of the sale should be applied to the introduction of emigrants, at least where it was practical to any great extent. That principle, however, had only been applied to New South Wales. In Canada, in the years 1825 and 1826, a large tract of land had been sold to a company, but there was no stipulation on the part of the Government that any portion of the proceeds should be applied to emigration or any local purposes, such as roads, bridges, and canals; and in point of fact those proceeds had been made use of for the current expenses of the colony. In 1831, the time this question arose, a commission was appointed within the walls of the Secretary of State's office for the purpose of considering how emigration should be best promoted. That commission suggested, that it would be desirable to allocate the proceeds of land sales in New South Wales to the promotion of emigration. At first he had considerable doubts upon the expediency of adopting that plan to the fullest extent, and upon a suggestion to the Treasury, it was decided that the plan should be first tried by the introduction into the colony of female emigrants, an object which he had thought of paramount importance, and without which the application of a larger sum for the emigration of male emigrants would only have aggravated the evil that existed. He had, then, no reason to suppose, from any information he was possessed of, that the value of the land would in the short space of two or three years have so rapidly increased as to amount, in some cases, to upwards of 120,000*l*. Undoubtedly, if he could have supposed that it would have amounted so soon to that sum, he should have hesitated in saying anything that could be construed into a pledge, that the whole amount of the proceeds should be applied to emigration. There were two things to be considered in viewing the question:—it was an advantage to the mother country to get rid of her surplus population, but it was likewise an advantage to the colony to receive so much labour. That being the case, he should certainly have doubted whether it would have been judicious to apply such a sum as 120,000*l*. to emigration alone so soon after the system had been established. Consequently, all he could be supposed to have meant as a pledge for the future, was the application of the proceeds of the land sales upon the principle of that limited scale to which only they might have been expected at that early stage to have reached. The Treasury were not so sanguine as he had been, and were less disposed to push that principle than he had shown himself to be in his communications with them and the Governor of the colony. They acquiesced, however, and that principle was carried into effect for several years. It had only recently come to his knowledge that it had become expedient a few years ago to apply a portion of those funds to the general expenses of the colony, and that it was thought advisable that the colony ought to provide the whole expense of its police and gaols. That was a point which he considered liable to doubt. It was no act of the colony to bring into it those persons who required to be sent to gaols, or to be watched by the police, it was the act of the mother country. He thought that the fairest way would be to divide the expense; because, while the mother country got rid of persons whom it was desirable to send out of the country, the colony derived great advantage from the labour which those persons afforded to the free colonists. Political economists of the present day asserted that colonies could not be established except by slave labour, and that the labour of those persons was equal to slave labour. Without meaning to go to that extent, he certainly thought that this forced labour was of great use to a colony. Such, he presumed, had been the reasons for applying the surplus of land sales to the general purposes of the colony of New South Wales during the last four or five years, or whatever time it might be. Listening to the right rev. Prelate, he would have supposed that emigration had altogether ceased of late. Now, it appeared, that in 1838 108,000*l*. had been applied to emigration, whereas the receipts of the Crown lands did not exceed 31,000*l*. A similar sum had been, he understood, expended in 1839, so that during the last two years the principle laid down in his dispatches had been acted upon. With regard to the pledge alluded to by the right rev. Prelate, he must say, that it could not be considered possible that the Government of the Crown could give a pledge upon matters of this kind, which should at all times, and under all circumstances, be binding. If he could have supposed at the time that by laying down that principle he was tying up the hands of his successors, he should have hesitated and declined such responsibility. He quite agreed, that the principle of emigration was one which ought not to be lost sight of, and he rejoiced to think that for the last few years it had not been lost sight of.

The Bishop of *Exeter* replied. The noble Marquess had stated, that the Government had exceeded its means with respect to emigration, and that it was, therefore, high time to tie up their hands. It would also appear from the statement of the noble Marquess, that the importation of labour was carried to such an extent, that the colony was already saturated with it. What was the opinion of Mr. M'Arthur, as found in the Report on Emigration in 1834? It was this:—

> "So great is the demand for labour, that a very large portion of those imported appear to be corrupted, as it were, by the competition to obtain their services, and the sudden change of circumstances in which they find themselves placed. In proof of the unexampled scarcity of labourers, I have at various periods during the last six months inserted advertisements in the newspapers for labourers to perform work by the piece, and that hitherto I have not had one application in consequence of them. I am confident, that in former years, a similar advertisement would have brought to me as many men as we wished to employ."

The right rev. Prelate concluded by expressing his satisfaction that no difficulty was thrown in the way of granting the papers.

The return was ordered.

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HOUSE OF COMMONS,

Monday, June 22, 1840.

Minutes.] Bills. Read a second time:—Arms (Ireland); Sugar Duties; Rating Stock in Trade; Masters in Chancery.—Read a third time:—Timber Duties; Police Rates Assessment; Inclosure Acts Amendment.

Petitions presented. By Mr. M. Phillips, Mr. Berkeley, and Mr. Finch, from Manchester, Stafford, and Bristol, for Equalisation of Sugar Duties.—By Mr. Bannerman, and Lord Sandon, from Steam-boat Proprietors in Scotland, and Dublin, complaining of the Light and Pilotage Dues.—By Mr. M. Philips, from Medical Practitioners at Manchester, for Medical Reform.—By Lord Sandon, from Dissenters of Liverpool, against the Chinese War.—By Mr. Bannerman, from a place in Scotland, to extend the Law relating to Cruelty to Animals to that country.—By Sir W. Somerville, from Medical Practitioners in Drogheda, complaining of the Apothecaries' Hall, Ireland.—By Mr. T. Duncombe, from the Democratic Association of Dundee, for Universal Suffrage; and from a place in Lancashire, for a relaxation of the Treatment of Political Offenders.—By Mr. Aglionby, from the Chairman of a Public Meeting in Carlisle, to a similar effect.—By Sir R. Inglis, and Mr. W. Duncombe, from Sydenham, Nettlestead, and other places, in favour of Church Extension.—By Mr. Bell, from a place in Durham, against the Ecclesiastical Duties and Revenues Bill.—By Sir R. Peel, from places in the county of Somerset, for enforcing the due Observance of the Sabbath; and from Fazeley, near Tamworth, against Sunday Travelling on Canals and Railways.—By Mr. O'Connell, from Marylebone, and Mr. Power, from Dungannon, against the Irish Registration (Lord Stanley's) Bill.—By Sir J. Y. Buller, from Devonport, against any Grant to Maynooth College, and for Church Extension; and from the Clergy of the Diocese of Exeter, against the Ecclesiastical Duties and Revenues Bill.—By Sir G. Clerk, from the Merchants' House of Glasgow, against the Scotch Municipal Corporations Bill.—By Mr. Ord, from the Grocers of Newcastle-upon-Tyne, for an Equalisation of the Sugar Duties.—By Mr. Shaw, from a place in Ireland, against the system of National Education.—By Sir R. Peel, from seven Suspended Clergymen of Strathbogie, for Protection against Punishment for having obeyed the Law.

Recorder of Dublin.] Mr. *Shaw* asked the House for a moment's indulgence in a matter personal to himself, but connected with his public duty. It had been stated in the *Morning Chronicle* newspaper, and repeated and commented upon in some other of the public journals, that he (Mr. Shaw) had left the business of his court unfinished at Dublin on the previous Saturday evening, in order to attend the division in that House on the Irish Registration Bill. What then he wished to be allowed to say was, that that statement was entirely without foundation, that it had not the shadow of truth. He had never on any occasion left his business unfinished, or adjourned his court for the purpose of attending in that House; on other occasions, however, he had left Ireland immediately after his business had been finished, but he had not even done that on the present occasion. So far from having adjourned his court and left his business unfinished on the Saturday evening in question, he had adjourned his court at an early hour in the forenoon of that day, in consequence of all his business being finished, there not being a single case undisposed of; he had then remained in Dublin for the rest of that day; he had spent the next day in the immediate neighbourhood of Dublin, and had not embarked for England until the following evening.

Subject at an end.

JEWS AT DAMASCUS.] Sir *R. Peel* seeing the noble Lord, the Secretary for Foreign Affairs in his place, would ask the question of which he had given notice on Friday night, relative to the persecution of the Jews at Damascus. He was afraid the remarks he was going to make could hardly be called a question; it was therefore competent for any hon. Member to interfere and prevent him from proceeding, but he was sure, that if they anticipated the purport of the short statement he was going to make, not a single man would insist on the strict observance of the rule of the House in this case. He had been requested to say a few words by persons of the highest character belonging to the Jewish persuasion, who paid that compliment to the House of Commons, to express an assurance that the simple mention of the case would be sufficient to facilitate the great ends of justice and liberality. The circumstances were shortly these:—It appeared that a native of Sardinia, of the name of Thomaso, a Roman Catholic priest, he believed of the Capuchin order, who had lived at Damascus since 1807, disappeared about the beginning of February of the present year, together with his son, under what was certainly strong suspicion of murder. Shortly afterwards a charge was preferred against the Jews in that city, which was really in itself almost incredible—that this gentleman had been murdered, in order that his blood might be made use of in the feast of unleavened bread. A Jew, following the trade of a barber, a young man of about twenty, was apprehended, the monk having been seen near his house posting up a paper on the walls: and he believed that was supposed at first to have been the last time the monk was seen, and this person was therefore apprehended by the authorities of Damascus. The man denied any knowledge of the murder, but he was subjected for three days to the most cruel tortures. At last he could bear them no longer, and when life was almost extinct he charged seven of the most wealthy inhabitants of Damascus, being Jews, with the commission of the murder. Those seven persons, who, he believed, were persons of high character in Damascus, were immediately apprehended, and subjected to torments which he would not shock the feeling of the House by mentioning. Two of them at least, he believed, died under the infliction of those tortures, and the consequence was what might have been expected, that some of them, after enduring day after day, and hour after hour, the most excessive agony, wildly confessed that they had themselves participated in the murder, in order that they might apply the blood of the Christian to the purpose mentioned. A great number of other Jews had also been taken up. The Egyptian authorities having countenanced the charge, to which some Christian authorities also, he was sorry to say, had lent their sanction, the consequence was, that the greatest prejudice against the Jews had been excited among the whole population of Damascus and the neighbouring country. This prejudice would effect the entire body of the Jews throughout the world, unless some effectual step were taken to appease it. All he asked for was some interference on the part of the British Government; he knew they could not interfere officially, but such was the confidence in the name of Britain and the authority of the British Government, that it was believed, that that interference which they could exercise, and which he hoped and believed they would exercise, would be beneficial. He trusted the noble Lord would be enabled to assure him, as he believed was the case, that that influence would be exerted. The Jews of England, of every country in Europe which had communication with England, supposed that the interference of Britain, whether official or not, would lead to the investigation of the truth, and their protection from villainy and injustice, if the charge was wholly unfounded. The Austrian Consul, he believed, had interfered for their protection. He would trouble the House no longer, but he trusted they would feel he had been justified, by regard for the interests of general humanity, in mentioning it in the House of Commons, and that the noble Lord would tell them, that whatever he could do he had done, to inculcate on British functionaries the exercise of their influence for insuring a full investigation of the matter, the conviction of the accused if they were guilty, and their protection if innocent, by a fair trial, since they could not have a trial according to British forms. Thus the noble Lord would be enabled to rescue that great portion of European society, the Jews, who, in every country in which they lived had, by their conduct in private life, conciliated the general estimation and good-will of their fellow-subjects, from a charge which was founded on prejudice, and would subject them to the most grievous injustice.

Viscount *Palmerston* said, the subject

which the right hon. Baronet had just brought under the notice of the House came some time since under the consideration of her Majesty's Government, who had lost no time in taking steps of the nature of those which the right hon. Baronet had stated he was confident her Majesty's Government would immediately have recourse to. Undoubtedly, if the accounts of the transaction which had reached this country were true, it was an instance of barbarity and atrocity which one could not have expected to hear of in these days in any country having communication or intercourse with the civilised world. Upon hearing of the circumstances, he (Lord Palmerston) had immediately instructed Colonel Hodges, the Queen's Consul-General at Alexandria, to bring the subject under the serious attention of the Pasha of Egypt, to point out to him the effect which such atrocities as these must produce on the public mind in Europe, and to urge him, for his own sake, to institute such inquiries as would enable him to punish the guilty parties, if guilty parties there were, and to make such an atonement as was in his power to the unfortunate sufferers. Of course, any representations of this nature would not bear an official character, but were to be made solely as suggestions which affected the Pasha's own interests. He (Lord Palmerston) had also sent instructions to her Majesty's Consul at Damascus to institute inquiries into what had taken place, and to make a detailed report of the circumstances of the case, and of the part which he and the other consuls might have taken in it. Sufficient time had not elapsed to enable him (Lord Palmerston) to receive reports either from Colonel Hodges, or from our consul at Damascus; but when they arrived, he should not raise any difficulty to any motion that might be made for their production.

Mr. *O'Connell* remarked, that there seemed to be one way of vindicating the professors of the Jewish religion from the aspersions which had been cast on them, and that was by giving the British Jews, as British subjects, the full benefit of the English laws. The statement which had been that night made, though it came from a most respectable quarter, would have been much more forcible if it had proceeded from a Hebrew gentleman in that House. He wished to ask whether it was the intention of the Government to introduce any measure, as a Government measure, for the purpose of conferring equal rights upon the Jews.

Lord *Ashley* said, he was bound to bear his testimony to the great zeal and activity manifested by his noble Friend, the Secretary for Foreign Affairs, in the prosecution of his endeavours to relieve the unfortunate Jews at Damascus, and also in the affairs of the Jews generally. He (Lord Ashley) had received that day letters from the East, in which it was stated that the sole object of these abominable cruelties was the extortion of money.

Mr. *Hume* wished to ask the noble Lord, the Secretary for the Colonies, whether the Government intended to bring forward any measure for the emancipation of the Jews?

Lord *J. Russell*, who replied at some length, was almost wholly inaudible; but the substance of the noble Lord's answer was understood to be, that he was individually favourable to such a measure, and had always supported it; but that the Government were not prepared to introduce any measure.

Subject at an end.

COLONIAL PASSENGERS' BILL.] The Order of the Day for the third reading of the Colonial Passengers Bill having been read,

Lord *J. Russell* was understood to say he felt it necessary to state to the House the general circumstances and principles upon which the Government thought it right to originate this measure. He wished to state what the Government intended to do with reference to the West India colonies, as well as all the other colonies. The emancipation of the negroes took place in 1838, and it was worthy the attention of the House to hear how that act had operated upon those who were the objects of it. As far as that act went to affect the moral character and conduct of the negroes and the peace of the colonies nothing could be more gratifying or satisfactory than the result. Since that act had passed some negroes had made great acquisitions of property, especially in British Guiana. In that colony one negro had purchased land of the value of 2,200*l.* sterling, another 10,000*l.*, a third 4,000*l.*, another 5,000*l.*, and, on the whole, negroes had made purchases there with their own savings of capital to the value of 24,000*l.* As might be expected, there has been a great decrease in the production of these colonies; and, in the first place, there has been a disinclination—[*Here the call of " Order, order," and the noise, prevented the noble Lord from completing the sentence.*] The House, continued the noble Lord, may not take that peculiar interest in the subject to which it is entitled; but it is a question of vital importance to the colonies, and it is for that reason that I wish to bring it before the attention of the House. It is a question affecting not the present time only, but it affects the future welfare not only of the colonies, but, I might almost say, of mankind in general. A great change has taken place, accompanied by these circumstances, that the emancipated negroes have behaved with the greatest subordination to the laws—that they have not broken out against the ordinary laws which govern society—that they have not acted in disobedience to the Governor—but there has not been employed that quantity of labour in the production of sugar, as in the former years. Several instances I could supply, but the contrast in production will be so clearly seen by stating the amount of sugar imported into the United Kingdom in the years 1830, 1831, and in the years 1838 and 1839. In the first of the two former years there were 3,913,000 cwt. of sugar, and in the second of those former years there were four millions and a fraction cwts.; whereas in the year 1838 there were but 3,521,000 cwt., and in the year 1839, but 2,822,000 cwt. imported into the United Kingdom. Here is a great falling off. The accounts from the colonies, and especially from Guiana, show a greater falling off. With this diminution in the quantity a great rise in the article of sugar has taken place, amounting from 23*s.*, 24*s.*, up to 40*s.* per cwt., independent of the duty. Concomitantly with this decrease in the quantity and increase in the price has been the increase of the foreign slave trade. These are facts resting upon high and indisputable authority, proving the increase of the foreign slave trade—that it is more profitable than the free trade—that barbarities of the most cruel character occur —that one hundred thousand slaves are annually sent from Africa to the foreign slave countries, and that a number not less than those imported are sacrificed by deportation, by the transmission, and by the landing of the slaves. That one hundred thousand, at least, are sacrificed to this horrible and detestable traffic, there cannot be the slightest doubt; and it is a question with the people, as with the Government of this country, how we can effectually put down this abominable trade. It is impossible to expect, unless some effectual means be adopted, while we prevent the slave trade with respect to our own colonies, that the sugar produced by the slave labour of foreign countries will not be introduced either surreptitiously or legally, in consequence of the great demand for this article which is now a necessary of life.—[*Tumult continuing.*] I am sorry to find that the attention of the House does not accompany me upon the subject. I now endeavour to bring the subject to this point, that the abolition of slavery, though it has contributed very largely to the personal comfort of the individuals for whose benefit it was intended, yet it has diminished the quantity of labour employed in the cultivation of sugar; that in proportion as the quantity has diminished the price has increased; that there is at present a demand by many persons to have the foreign slave sugar introduced into this country; that there exists at the present moment an increase in the slave trade cannot be denied, and one of the measures adopted by the House, and which received its almost unanimous sanction, is an expedition of British steamships. [*Tumult increasing.*]

Mr. *Briscoe* rose to order. This is a subject upon which the attention of many Members of the House is fixed, and it is utterly impossible to know what the noble Lord says owing to the voice of those Members below the bar who are employed in procuring pairs.

Lord *J. Russell:* One of the measures which the House sanctioned without a dissentient voice was the expedition to Africa, with a view of forming upon the Niger and elsewhere some commercial relations with the African chiefs, for the purpose of inducing them not to sell their people, but adopt some useful commercial traffic. But, on this point, let the House recollect that we had had the greatest difficulty with the nations of Europe, and with the most enlightened nations, too, in inducing them to concur with us in condemning the slave trade. If that were the case, then, how much more difficult, how gradual must be the progress we could make in persuading the barbarous chiefs of Africa, to abandon their cruel and inhuman traffic. But there were other measures to which the colonies themselves had turned their attention. They say with justice that slavery was abolished; every labourer working in the colonies was free to make his own contract. The prices of labour were to be regulated by a commission; but, said the colonists, "Let us have the advantage to induce labourers to come to these colonies to see whether free labour here can compete with slave labour in the foreign markets." In Trinidad an ordinance was approved by his noble Friend, Lord Normanby, who was then at the head of the Colonial-office, by which a certain sum was to be appropriated for the purposes of emigration; and persons were sent from the colony to the United States of America to act as agents, and three or four cargoes of negroes left the United States and were introduced into Trinidad. Their labour had been found to be extremely useful. In British Guiana a similar ordinance was passed, by which 400,000*l.* was devoted for the purposes of immigration; but with respect to that ordinance nothing final has been done. With respect to Jamaica, it is agreed by the Legislative Council, with the consent of the Governor, that 50,000*l.* shall be appropriated each year, for four years, to pay the passage of persons immigrating into that colony. A general agent has been appointed with a salary, and strict precautions are taken to prevent any inducement to the labourers to immigrate without a prospect of immediate employment. Agents are also appointed to know what the owners of the estates will give the labourer. These proposals are to be circulated, and the labourers are to make their own bargain. There is a provision which, I think, is of doubtful policy. It is proposed that the labourer should pay his passage, and that he should indenture himself for three years. I think, myself, that the labourer should be allowed a free passage, and that the time of three years is too long a period. At the same time, considering how desirable it is to increase the labour in Jamaica, and seeing how difficult it is to obtain a sufficiency of labour, and also how completely the labourers have the command of the market, I shall not be disposed to advise the Queen to disallow that act of the Jamaica Legislature, although I object to the particular provisions. These provisions as to the colonies apply to emigrants coming from the United States, from Europe, from Africa, and Sierra Leone. The Governor of Jamaica says that there are many complaints of the low price of labour, and that there is a disposition to obtain high wages. Next comes the subject for which I have provided in the bill, which relates to the Mauritius. The House will recollect that three years ago there was a discussion in this House with respect to the introduction of Indian labourers into British Guiana. The Governor-general of India had written that he heard complaints as to the distance to which the Indian labourers were taken, and also that they were taken in total ignorance of their fate; and he proposed to prevent the transmission of Indians to any other places than to the Mauritius, to which the distance was not so great. Since that opinion was delivered there were representations made in this country, so that it was found better for a time to prevent the immigration of the labourers entirely, but it was always intended that the transmission should become the subject of consideration. Accordingly, in the course of last autumn, various representations were made to me with respect to India and our West India colonies, and I decided that if any thing should be done with regard to it it should be done with respect to the Mauritius. Mr. Charles Anderson, who had stated that several Indians had suffered severely in the transmission, was the bearer of a proposition that the Indians should be allowed to immigrate to the Mauritius only, because the voyage did not occupy more time than three weeks, and that provision should be taken by the Governor-general of India for the appointment of agents to prevent frauds; that in the Mauritius agents should be employed to take similar precautions there also; and that the labourers on their arrival should be at liberty to make whatever engagements they thought proper; and I am of opinion that to Lord Auckland and to Sir Lionel Smith such precautions might be fairly entrusted. This would be just, not only to the Indian labourer, who in India receives but 2*d.* a day, and who is frequently subject to famine as well as to the persons who employ him. There is another question, not only that the Indians should be allowed to go to the Mauritius, but that the provision should be extended, and that the whole of the West Indies should have the benefit of their labour. But this is a subject of great magnitude and pregnant with important consequences. It is of importance that the Indians should go to the British colonies, that in these colonies they should establish races, and that they should have the privilege of freedom. At first, no doubt, hardships would arise, from the difference of manners and customs, as well as from their ignorance of the peculiar habits of those with whom they would be associated. I am not, I must say, disposed to undertake the responsibility of so great a change in the aspect of the country. Hereafter it may become the subject of consideration how far it might be for the benefit of those labourers as well as of the West Indies to promote such immigration; but at present I have considerable doubts on the subject, and the opinion of the House was pronounced against the experiment. Not more than 4,000 had emigrated from India to Guiana. They were not attended to as they ought to have been, and many of them fell by the disease peculiar to the climate. The noble Lord concluded by moving the third reading of the bill.

Viscount *Howick* was anxious to ask his noble Friend whether he proposed to lay before the House the act of the Jamaica Assembly in relation to this subject, an act of which he had only just heard for the first time; because, if that measure was so objectionable as it appeared to be from some remarks of the noble Lord, he should feel it his duty to make some proposition to that House upon the subject. He trusted, therefore, that the noble Lord would not only lay the bill on the table of the House, but that he would give some assurance that the formal assent of her Majesty to the measure should not be given to it, should it happen to be disapproved of by the House.

Lord *J. Russell* had no objection to the production of the bill. He would not say that all the clauses in that bill were unobjectionable, but he thought that the most advisable course was, to give the freest scope to free labour, as opposed to the labour of slaves.

Viscount *Howick* concurred generally with his noble Friend who had just sat down, but he so far differed from him as to think that the labour of indentured persons could not be considered free labour.

Sir *R. Peel* hoped that the noble Lord would well consider the course which he was about to take, and the precedent which it went to establish. The noble Lord was asked to produce an act passed by a colonial Legislature, as to which the Crown had not yet given its assent, and the noble Lord agreed to do so. That precedent once established, similar acts might again be called for by the House, and the opinion of the House taken upon the subject, the consequence of which would be, that the responsibility of sanctioning, modifying, or rejecting these measures would rest with the House of Commons. He hoped that before the noble Lord produced the act he he would make up his mind as to the advice which he proposed to give the Crown on the subject.

Sir *G. Grey* observed, that the bill to which reference had been made, did not require the royal assent; it had already been assented to by the Governor, and it was not usual, unless upon the representation of the Governor, for the Crown to disallow any bill. In this case, the Governor had recommended that the bill be not disallowed.

Viscount *Howick* had not asked for the bill with any view of eliciting from the House of Commons an opinion upon the subject. It was not usual for acts passed by the Legislature of Jamaica to receive the assent of the Crown. If for two years after they were passed the Crown gave no directions, the acts were finally binding. His noble Friend had not disallowed this act, and all that he wanted from him was a special confirmation, in order that there should be no future disallowance of the measure. For these reasons he thought the course now proposed to be taken would not create a new precedent.

Sir *R. Peel* said, that his impression upon the matter had been shared by all the hon. Members who sat near him. He had given no opinion, nor did he intend to give any, with respect to the policy of the act; at the same time he must say, that he viewed the indenture system with great apprehension. He viewed it as a condition which, however brief, placed the party during his continuance under indenture in a situation very little removed from that of slavery.

Bill read a third time.

On the question that it do pass,

Dr. *Lushington* rose to move an amendment, of which he had given previous notice. He seldom trespassed on the House by reverting to anything that he had uttered in that House on previous occasions, but he could not help bearing testimony to the clear and concise statement as to the condition of our colonies at this crisis, which had been called forth from the noble Lord, in his reply to the observations he (Dr. Lushington) had made. There was no doubt that the general description which had then been given perfectly corresponded with the state of the colonies. Notwithstanding all that had been done, and all the expenses that had been incurred, it had been asserted that the slave trade had increased, and that foreign slavery in particular had much augmented. Though he was disposed to admit, to a certain extent, the truth of what had been said, yet he was not prepared to say that the increase of foreign slave trade had arisen from the line of conduct adopted in this country with regard to our own colonies, for he begged to remind the House, that the foreign slave trade had increased, and was increasing, before the passing of the Emancipation Act. It was a remarkable fact, that the demand for sugar had augmented on the continent to a degree it was almost impossible to estimate, and that the demand was from year to year on the increase. He admitted that in British Guiana, Jamaica, and Trinidad, a very considerable diminution of sugar had taken place since the Slave Emancipation Bill. He agreed in the sentiments expressed by his noble Friend, and he acknowledged the great importance of increasing the number of labourers engaged in the production of sugar by emigration, so that emigration was carried on by fair and by judicious means. Every one possessing common sense must agree to this proposition, that when there is a country over-populated, and another country such as Guiana, with thousands of square miles without the vestige of a human being, that emigration ought to be resorted to. The question was one of vast importance, and attention must be turned to all quarters of the world, to find the place the most eligible from whence to remove the deficiency. The first suggestion was, to get a supply of labourers from the United States. So far as this could be done, with a due regard to the comparative welfare of the emigrants, he would be ready to give that place his sanction. There was another source, but he would never yield his consent to the project. It was to permit an importation from Africa; for that would, in his judgment, be only a renewal of slavery. There was also another suggestion, and that was to avail ourselves of the slaves captured in the slave ships; but he knew of no reason, whatever might be the number, why they were to be left in slavery in Cuba and the Brazils, when this country had a perfect right, by treaty, to carry them to the British dominions, and to treat them as British subjects.—He lamented the fact, that out of 10,500 slaves, for whose liberty British bounty had been taxed, no less than 8,600 in Cuba were in a state of slavery to all intents and purposes; for who could assert that their condition was less oppressive than that of slavery itself. When slave-vessels were sailing under the Portuguese flag, why were they not seized, now that we had an undoubted right to take such a course? The last question was, the exportation of the inhabitants of British India to the Mauritius, as contemplated by the noble Lord, and to all the British colonies, as proposed by the amendment of the hon. Member (Mr. G. Berkeley). Under some wise and well-digested plan, labourers might be favourably transferred from India to the Mauritius; but so far from thinking that the present experiment was likely to turn out favourably, he was of opinion that past experience, and the state and condition of the island, demonstratively showed that the experiment, if made, would be made under the most unfavourable circumstances. He had well weighed and considered the matter, and he could say, with truth, that no one was more ready to concede his opinion to his noble Friend than he was, provided he could do so with propriety. He spoke now of the Hill Coolies, and he told the House, that out of all the number sent from Bengal, not one-fifth were Hill Coolies—and that not one-half were employed in agricultural pursuits, or were fit for that employment. The reports which had been received showed that this was the fact. Look at the situation of the inhabitants. Look at the East India Report from the House of Lords. They had been making a great experiment with respect to tea cultivation; millions of acres were still uncultivated, because capital and population were required. But he told them to stop a little before they exported people from India, and not to do so until they could do it with safety. What did Sir W. Nicolay say, and what did the Government of India say? Why, that the experiment had been attended with loss, and injury and suffering to the inhabitants of India, rather than benefit and advantage. No one could get up and advocate the proposition to bring ten or fifteen thousand of the male sex from India, without taking due precautions. He told the House that there was all but an insuperable difficulty to get females to emigrate from India, even to the Mauritius. As this, then, was the case, and in the absence of other information he saw no reason to think why the exportation of these people would not for the future be attended with a repetition of those disgraceful scenes that had already taken place. He found that sixteen of these unfortunate people had, while on their passage, been left without a drop of water. They had had recourse to a most horrible practise in order to sustain their wretched existence, but it was unavailing, for after long suffering they died. He admitted that the bill of his noble Friend would do much to put an end to such horrors; but there was another reason why he thought the Mauritius the very worst place for the emigration of the Coolies. His noble Friend said that the general opinion was, that they were well treated. Now, who was the author of the plan sent over from the Mauritius but the very Mr. Charles Anderson who, in a report on the subject, had stated that in the very seat of Government, under the very eye of Governor Merlay, in point of food and accommodation, they were very badly treated. If this, then, was their treatment in the capital, what would it be in the extremities of the island? They had it in evidence that every master claimed the right of imprisonment—that he inflicted personal correction, and did not allow any person to quit his employment without tickets of leave. If this was not slavery, he knew not in what language to describe it—if this was not ill-usage, he was at a loss to know what ill-usage was. But what was the feeling in the Mauritius? Had the Chief Justice not sanctioned a report that had been sent home to Lord Glenelg, and of which that noble Lord wrote back that he was ashamed? Who, then, was to be trusted after this? Not one, if he excepted the Governor, who for twelve years had so conducted himself in his office as to merit the thanks of this House, and the country. There were not any means of holding free communication with the Coolies. At every question put to them their masters were always present. As related to the Mauritius the scheme was a most dangerous one, for it would render it a matter of greater difficulty hereafter to introduce a free labouring population into our West India islands, and was destructive of that principle of freedom they had hitherto advocated. He said that in British Guiana, last year, there had been a great deficiency in the sugar crops, while in the Mauritius it was larger than in any previous year. The gentleman he had already alluded to—he meant Mr. Charles Anderson—actually states that the whole sugar crop of the Mauritius was the product of the labour of 15,000 Hill Coolies and 5,000 liberated apprentices. What credit was to be attached to the statement he did not know. Were it not for the middle passage from Hindostan to Guiana, he believed that it would be better to transfer the Coolies to British Guiana than to the Mauritius. The climate and the people were better suited to their nature, and the mortality was much less than in the West India Islands; but before consenting even to this he must see some measures securing laws for the protection of those who were unable to protect themselves. The hon. and learned Gentleman concluded by moving that the clause of the bill relating to Hill Coolies be omitted.

Mr. *Elliot* bore testimony that the Hill Coolies were not backward in appealing to the tribunals established in the Mauritius. It was material to keep this in view, because it had been urged that the Coolies were unable to attend to their own interests. He had been in the Mauritius, and though only for a few days, he was—as all travellers, without exception, were—much struck at the extraordinary mixture of races. Most certainly people coming from the East Indies could have no difficulty in finding an interpreter, for there were there Mahometan as well as Hindoo, and every species of the Eastern inhabitants. This was a material point to keep in view, as he thought his hon. and learned Friend had rather too much strained that part of his speech in which he described the Coolies as completely helpless and unprotected. He had been employed to inquire into the condition of the labourers in the East, and he found that in Bengal the remuneration of the labourer was from two to two and a half rupees per month. Would they then, in such circumstances, prevent a man like this from emigrating to a place where he would be much better paid? But this difference in his wages would not be the only advantage. His country was subject to inundations, and the inhabitants to famine. In 1806 he was at Madras, when the dreadful famine existed. He had seen mothers tottering feebly along, scarcely able to carry their infants, and men dying by the road side by thousands, on their way to the coast to obtain some relief from the rice which Government had shipped. Would they then prevent men subject to the chance of such misery from emigrating? He would mention another instance to show the dreadful calamities these people occasionally suffered from it at home. During an inundation at Bengal, he had a friend, who after having made two marches on the way to Calcutta, was forced to return, from the pestilential smell that rose from the dead carcasses. Men, bullocks, and horses, were all swept away. Would his hon. and learned Friend still say to these men, "Do not go to the Mauritius, for though you may earn four or five rupees per month, yet you may have a harsh master?" He had no interest to serve in making these statements. He was not a West India proprietor, and looked only to the interest and happiness of the people for whom they were now called on to legislate. Both at Madras and Bengal ships could not leave the port without the cognizance of the Government; therefore, it was competent for the Government to make any regulations whatsoever with regard to the emigration of the Hill Coolies. The right hon. and learned Gentleman had on a former occasion said, that no women were permitted to accompany the labourers to the Mauritius, which he had described as being a painful state of things; but he understood that, according to the plan intended to be adopted, no Hill Coolies would be allowed to emigrate without a certain portion of the women. [Lord *John Russell:* It was not a provision in the bill, but part of the plan.] The commissioners had introduced into the Mauritius the system of Savings' Banks, and they mentioned an instance of one of the agricultural labourers who had saved upwards of six hundred rupees. He owned he was much surprised at the doctrine held forth by those who were opposed to the emigration of the Hill Coolies. It was a doctrine directly opposed to all our notions of freedom; and for his part he conceived that no Gentleman in that House had more right to go as one of a party of pleasure to Richmond than these Hill Coolies had to hire themselves out to service, either in the Mauritius, or in any other part of the world. He was surprised, therefore, that a petition should have been presented from the Court of Directors in opposition to this bill. He was astonished at it, and could not refrain expressing his feeling of surprise at the circumstance.

Mr. *Hogg* said, that the petition to which the hon. Gentleman had referred was presented by him, but it was not from the Court of Directors; it was from the whole East India Company. The very moment their alarm was excited by seeing it stated that the noble Lord had introduced these clauses, a special court was called, and in that court the petition was prepared and adopted. [Mr. *Elliot:* Did Sir Richard Jenkins concur with it.] Entirely. The petition was not directly against permitting the emigration of the Hill Coolies. The East India Company agreed with the right hon. and learned Gentleman opposite, that it might, perhaps, be possible to admit emigration. What they said was, "Show us adequate restrictions—show us provisions that will exclude a repetition of the abuses and atrocities that have occurred, and we at once concede the general principle." The noble Lord must perceive that this bill was perfect for its own immediate object, without this question of emigration being mixed up with it. If it was right to permit the emigration of the natives of India, that could be much better done by a separate bill. He only entreated the noble Lord to grant a short delay; and the reason he did so was that there was an absence of that information which might almost be daily expected. If any atrocities had taken place connected with the emigration of the Hill Coolies at all, he would admit at once that the most gross atrocities were perpetrated in India itself; but upon that subject the noble Lord had no information whatsoever. A public meeting was held in Calcutta upon the question; and, in consequence of that meeting, Lord Auckland appointed a committee of inquiry to investigate the whole facts connected with it. A letter had been received in England, stating that Lord Auckland expected to be able immediately to send home the report of that committee, with an appendix containing all the evidence; and there was every reason to believe that it would reach England overland on the 4th of next month. He hoped, under these circumstances, that the noble Lord would not be disposed to press these clauses. He trusted, also, that the right hon. Gentleman, the President of the Board of Control would consent to concede to the East India Company the short delay they asked. If, on the contrary, he should persevere, and the bill should pass that House, then it would be the duty of the East India Company to adopt each and every measure by petition and request to impede the progress of these clauses as they now stood.

Mr. *Grantley Berkeley* would ask whether the delay now required would benefit the West India planters; if so, he would support the right hon. and learned Gentleman, but he doubted its having any such effect. The proprietors of West India property were in a most distressed and impoverished state for want of a proper supply of labourers on their estates. The consequence was, that they were incapable of keeping up the churches and schools, so that it would be found ere long that the interests of religion and of society would rapidly fall into decay.

Mr. *Irving* thought that the interests of the West India colonies could only be saved by a system of general emigration, and he trusted that that system would be produced by the provisions of this bill. He hoped that the bill, having been so far sanctioned by the House in its progress, would not now be rejected.

Viscount *Howick* said that the question before the House appeared to him to be whether, by the introduction of these clauses, they were to allow the trade which had been before carried on to be again commenced as a matter of private speculation. It was said that it was not to be a matter of private speculation, but unless in some shape private persons were to be encouraged in these speculations, he saw no object with which these clauses could be adopted. The Government themselves were to superintend the conveyance of the Hill Coolies to the Mauritius; but if in that consisted the whole of the regulation, why, he asked, were these clauses introduced for regulating the importation of the natives of India in vessels, not taken up by the Government, but in merchant vessels proceeding to the Mauritius? He thought that in reality the only effect of this bill would be to permit that atrocious trade, which had before existed, to be renewed under some circumstances or other, and although he had no doubt that his noble Friend, the Secretary for the Colonies, would endeavour to put an end to the evils of that trade by the appointment of agents and other means, he had the strongest doubts how far any sufficient regulation could be possibly effected. It was found that the system was still carried on, and what security, he asked, was there that abuses of the same kind would not be again perpetrated? There were facts stated in the papers before the House which must remove all doubts upon the point which he suggested, or upon the misery which was experienced by the wretched emigrants. Many of them had felt so forcibly their wretched condition, that in their voyage they had thrown themselves overboard to escape from the misery to which they believed themselves destined—a fact affording conclusive evidence, he thought, that many of these unhappy persons were carried away by force from their own country. It had been shown that the Governor-general of India felt it to be a matter of difficulty to guard against these abuses, and as long as it was a matter of private advantage for merchant ship-owners to carry these persons from India to the Mauritius, so long would they prevail. Agents might be appointed to watch over the proceedings in reference to them, but although they should employ their utmost vigilance, the existing evils could not, under such a state of things, be removed. They might go on board the ships, and all the supposed necessary inquiries might be made; but although those inquiries might be took upon papers, the greatest mischiefs might prevail, for the Surdars, or traders of the gangs, were but too frequently the objects for carrying on a system of the greatest tyranny. If it were proposed that Government were to take upon themselves the charge of the whole system, he called upon the House at once to reject these clauses; and for this reason, that if these were to be Government transactions, they were not necessary for the regulation of their vessels. It was already the duty of the Government to provide proper ships, and to ascertain that emigration was conducted upon proper principles. No Act of Parliament was necessary to render them more responsible than at present, but it was their object to lend their sanction to the measure, and to limit their own responsibility. By striking these clauses out of the bill they did not interpose any delay in the proceedings of the Government. There was no illegality now in conveying these people to the Mauritius, but on the other hand, if they introduced these clauses they might do positive injustice by adopting regulations, without being aware of any of those rules which might be in existence in the colony, or which might be hereafter proposed. This was a course which the House ought not to agree to adopt. It was contrary to the usages of Parliament, as well as contrary to the dictates of expediency and good policy, and he trusted that his noble Friend would feel it incumbent on him to adopt the suggestion which had been offered, and abstain from calling for the opinion of Parliament upon this subject until he had it in his power to lay more full information before it. He thought that the plan which was suggested was open to much objection. It was proposed that money should be advanced from the Colonial Treasury for the purpose of promoting emigration, and in consideration of the money repaid by the persons to whom the emigrants should be consigned, they were to be entitled to their services for a longer or shorter time. This was a plan of which he decidedly disapproved. In Demerara a different mode of proceeding was adopted, the emigrant being left unshackled by any engagement, and to this he thought that much fewer objections existed; but in the state of ignorance in which the House was upon the subject, he did not see how they could be called upon to adopt any general measure. In former times the same plan had been resorted to, and had proved unsuccessful in reference to the Australian colonies. It was attempted by many persons who agreed to go to those colonies, and in consideration of their passage being paid, to bind themselves to work for a certain time for their employers. The plan, however, turned out an utter failure, and for this cause, that there was no stimulus to labour except the dread of punishment; and it was invariably found that the consequence of placing master and servant in a position of enmity was to produce misery to both, and the indentures were cancelled. When he found that in these cases the same difficulty would exist, and also that the people of the Mauritius were already too deeply tainted with the effects of slavery, believing that violence and coercion was all they had to look to, that fact alone was decisive. He conceived that the labourers were not properly protected, or guarded against oppression. The Surdars were in the position of the drivers, and there was no practical check whatever to their ill-usage of those under them. It had been suggested that there were cases of money having been saved by the emigrants. He had looked to find some confirmation of this report, but he found one case only of a Surdar who had saved 600 rupees. He thought, however, that this was no argument in favour of the system, for that the Surdar was the man, above all others, who, having the whole control of the gang, would be likely to have the means of acquiring money. An hon. Gentleman had suggested to him that the instances of the Hill Coolies renewing their engagements were frequent; but this, in his opinion, afforded only an additional proof of the abuses of the system, for there was too good reason to fear that those renewals were extorted from them by harsh means. He thought that he had stated the main objections to this bill, and that, as he had before said, if the object were really what was suggested, the bill was quite unnecessary.

Mr. *Labouchere* said that, after the observations of the noble Lord who had just sat down, he should have been disposed to doubt the propriety of the conclusion which he had formed upon this bill, if it were not that he believed that the noble Lord had misunderstood the scheme which was proposed. It was, in fact, totally opposite to that which he had suggested. The noble Lord had said, that it was intended to revive the system by which speculators were to profit by the trade of exporting the Hill Coolies; and, if that had been so, he (Mr. Labouchere) should have opposed the measure as much as the noble Lord; but he begged to assure him that the plan of his noble Friend rested upon this principle, that this emigration should be conducted solely and exclusively by Government agency in India and in the Mauritius. No individual interest was to affect, nor could it do the slightest thing to hinder the emigration; but it was to be placed altogether in the hands of the Government. The order in council upon which this plan was carried on was similar in its operation to that upon which the system existing in Demerara and Trinidad was founded, of which the noble Lord has spoken in such terms of commendation. Another provision which afforded great protection to the emigrant was, that no contract made with him could endure more than one year. He could understand gentlemen who objected altogether to the principle of importation of free labourers from India into the Mauritius, but he could not understand those who, while they admitted the importance of encouraging the emigration of free labourers, objected to the mode of doing so which this bill would give the opportunity of providing. No hon. Member had told them on what principles the emigration ought to be conducted; and he was not surprised at it, because he contended that the details of such a plan had much better be left to the local authorities. They could not effectually be marked out in any bill in that House. He would remind the House that these clauses were introduced at the suggestion of the right hon. Gentleman the Member for Pembroke, in order to afford an opportunity for the re-discussion of the question whether the prohibition of the importation of labourers into the Mauritius from India should be prohibited. He (Mr. Labouchere) had another and a very strong reason for desiring that this measure should pass. The hon. Member for Wigan had given notice of a motion, the effect of which would be to allow the importation into this country of sugar, the produce of slave labour. That motion he should be compelled to oppose. Yet he should, he confessed, do so with regret, when he recollected the present state of the sugar trade, and the difficulties under which those interested in it were suffering from the scanty importation and high price of sugar. While fully aware of all these circumstances, he should, nevertheless, feel himself bound to oppose that motion, because he did not see how we could consistently do anything to facilitate the importation of sugar, the produce of slave labour, at the time when we were making such efforts to abolish the slave trade. The only relief that the Government could afford would be by promoting, as much as possible, the importation of free labour into the Mauritius and the other West Indian colonies, in order to increase the importation of sugar, the produce of free labour. He entreated the House, therefore, not to throw any obstacles in the way of the efforts of the colonies to produce sugar by means of free labour.

Sir *James Graham* said, that, although all his first impressions and prepossessions had been in favour of supporting the measure of the Government, the more he had reflected on the subject, the more he saw reason to adopt the views which had been so ably stated by his hon. Friend the Member for Beverley, and to call on the Government to delay this measure. In the first place, he thought it was clearly established that there ought to be as free a circulation of labour as possible in the British dominions, and that the House ought, by every means in its power, to encourage as much as possible the importation of free labour into the West Indies, where some of the most fertile soil in the world was unproductive for want of hands to till it. With these feelings, no slight reason would induce him to offer any obstruction to the passing of a measure, to many points of which he was prepared to give his approval, especially to those which provided for the passage of the slaves, and to the regulations to be observed with regard to the proportion of the sexes, and the provisions for their return to their native country. With regard to the passage, if the difficulties could be overcome as regarded the passage to the Mauritius, he did not despair of overcoming them as regarded the longer passage to the West Indies. So also with regard to the treatment of the labourers in the colonies—he did not think that there existed as regarded the Mauritius any greater security for the treatment of the Hill Coolies than existed in Demerara and Berbice. His difficulty lay in those points which had been stated by his hon. Friend, the Member for Beverley. They were, in fact, called upon to legislate without having had any defined plan laid before them by the noble Lord. Before being called on to legislate, they ought to have before them the report of the Calcutta committee, and the opinion of the heads of the Indian government. He thought the Government ought immediately to communicate with the Governor-general of India, and that during the recess a plan in detail should be prepared for the purpose of practically checking those abuses, the existence of which was universally admitted. Had the noble Lord intimated that he had such a plan prepared, then he had such an entire confidence in the noble Lord, the Secretary for the Colonies, having from an early period known the kindness of his disposition, and his cautiousness before giving his sanction to any plan which his conscience was not satisfied was for the happiness of any large portion of his fellow-creatures, that he felt he might safely leave the subject to him. But he had yet to learn that the noble Lord had prepared any plan in detail, and he, therefore, thought it would be much more satisfactory to the House and the country if this bill were postponed until some more matured plan was agreed upon, unless the noble Lord would consent to withdraw the objectionable clauses. Unless the noble Lord was prepared to adopt one or other of these courses, he would most reluctantly feel himself compelled to vote against the measure.

Mr. *O'Connell* thought that the more this subject was considered the more apparent would be the necessity to postpone the consideration of this project. He fully agreed in the importance of increasing the supply of free labour in our colonies, but in doing so they ought to take care that it should be free labour, and guard against any danger that it would be made slave labour. He certainly agreed that the Government ought to be anxious to facilitate the supply of free labour, but they ought also to take care that that labour should be perfectly free and at the disposal of the labourers. As to Guiana, it appeared that both the governor and the planters in that colony were disposed to facilitate free labour, and to leave it fairly at the disposal of the labourers. But the reverse of this had taken place in Jamaica to a frightful extent. Every thing was done there to prevent labour from being free, and Sir C. Metcalfe exhibited a fatal facility in concurring in the measures of the planters. One of the bills passed by the Assembly of Jamaica contained a clause providing for a three years apprenticeship. Though they had not formally before them the measures passed by the Jamaica Legislature, there appeared in the newspapers a schedule of acts passed by the Legislature of Jamaica. (The hon. and learned Member here read the titles of several bills passed by the Jamaica Legislature. One of these was an act to prevent the combination of masters or servants.) Masters were introduced to make a show of impartiality. Under the provisions of this act no five negroes could meet without being punishable for combination. All these acts to which he referred were manifestly framed with the desire to obtain for the magistrates and planters full dominion over the labouring population. He thought, then, that they ought not to facilitate the importation of free labour into that colony until they had an opportunity of considering those acts that conferred powers in favour of slave labour. So far as Guiana was concerned, they ought to facilitate the importation of free labour; but with respect to Jamaica, he did not think that, at present they ought to do so. So far as the Mauritius was concerned, it was impossible to place confidence there. He admitted, however, that the present governor of the Mauritius had, by his previous conduct in the West Indies, entitled himself to confidence so far as he was concerned. The President of the Board of Trade had said, that the working of this bill must be confided to the local authorities; and he thought, therefore, that it was more necessary that they should see that those authorities were entitled to confidence. He thought that they ought to postpone these clauses until they had the bills of the colonial Legislatures on the table of the House, and until the Government had perfected some plan to afford adequate protection to these individuals, and the means of returning to India if they desired it. He concluded by repeating that whilst they did all in their power to increase the supply of free labourers, they should at the same time take care that it should in reality be free labour.

Mr. *V. Smith* said, that the right hon. Baronet opposite had very properly divided this subject into three branches. First, with respect to the condition of these labourers in India, their condition on the voyage, and their subsequent condition in the Mauritius. The hon. and learned Member for Dublin had argued against the introduction of these labourers into the Mauritius; but the main drift of his speech was, with reference to the acts passed by the Assembly of Jamaica. That, however, was a question into which he would not now enter further than to say that those acts, having been approved of by the Assembly, were entitled to the most sober consideration of parties at home. With respect to the introduction of these labourers into the Mauritius, he certainly thought that nothing had been said to convince him that they ought to depart from the general principle, that every British subject had a right to seek the best market for his labour whenever he could find it. It was true that great evils had existed in the Mauritius, but not to the extent that was alleged. But, out of the several estates with respect to which an inquiry had been made into the condition of the labourers, it appeared that there were only three in which the conduct of the owners were complained of. This question had been before the House for a longer period of the Session than almost any other that had engaged its attention, and he certainly did not think that they ought to be asked to postpone it further. It had been urged by the right hon. Baronet (Sir J. Graham) as a ground for delay, that they ought to wait for the report of the committee and the opinion of the Governor-general of India. This the right hon. Gentleman anticipated would reach this country by the 4th of next month. But let the House consider the mischief that would arise from this delay. Delay would be productive of ruin to the colony. All this bill asked was to affirm and provide for the possibility of emigration from India to the Mauritius taking place. The hon. and learned Member for Dublin had said he would intrust the powers of this measure to Sir Lionel Smith; the right hon. Baronet the Member for Pembroke had expressed his willingness to confide the powers to his noble Friend the Secretary for the Colonies. Why, then, refuse this power or protection of free labourers to his noble Friend, to Lord Auckland, and Sir Lionel Smith? When hon. Gentleman spoke of the philantrophy of the East India Company, and that they stood *in loco parentis* to free labour, they ought to remember that it was not until the orders in council were revoked that they thought of the immigration of their subjects to the Mauritius. The hon. Member for Beverley asked for a delay till the 2nd of July; the right hon. Baronet the Member for Pembroke asked still further delay, and therefore would increase the mischief and danger to the colony. If some plan was not agreed to, there would be a defalcation in the sugar duties next year, and the people of India would be told that the Legislature would prevent their crossing the sea to acquire better wages than they now enjoyed.

Sir *A. Grant* should not have risen on the present occasion but for the speech of the hon. and learned Member for Dublin, reflecting upon the course of conduct pursued by Sir Charles Metcalfe, who had done more than any individual had ever effected in so short a space of time as that during which he had governed the colony. He had reconciled the most discordant interests in that distracted colony. He felt bound, as a person interested in the welfare of the island, to say thus much of the government of Sir C. Metcalfe. That gallant officer had on no occasion sided with the planters; he had pursued a strict impartiality, and in contradiction to the last sentiment expressed by the hon. and learned Member, he thought him entitled to the confidence of this country. He should vote against the amendment of the right hon. Member for the Tower Hamlets, and afterwards in favour of the motion for adding "British Guiana and the other colonies of Great Britain" to the clause after the word "Mauritius."

The House divided on the question that the words proposed to be omitted stand part of the question: Ayes 109; Noes 158; Majority 49.

List of the AYES.

Acland, Sir T. D.
Adam, Admiral
Alston, R.
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Berkeley, hon. G.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brodie, W. B.
Browne, R. D.
Brownrigg, S.
Buller, C.
Buller, E.
Calcraft, J. H.
Cavendish, hon. G.H.
Chalmers, P.
Clay, W.
Clements, Viscount
Cole, hon. A. H.
Collier, J.
Cowper, hon. W. F.
Craig, W. G.
Cresswell, C.
Dalmeny, Lord
Davies, Colonel
Denison, W. J.
Drummond, H. H.
East, J. B.
Eastnor, Viscount
Egerton, Sir P.
Elliot, hon. J. E.
Fitzalan, Lord
Gladstone, W. E.
Gordon, R.
Grant, Sir A. C.
Greenaway, C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Heneage, G. W.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hume, J.
Hutton, R.
Irving, J.
James, W.
Knight, H. G.
Labouchere, rt.hon.H.
Lister, E. C.
Lowther, J. H.
Macaulay, rt.hn.T. B.
Macnamara, Major
Maher, J.
Marshall, W.
Marsland, H.
Martin, T. B.
Maule, hon. F.
Miles, P. W. S.
Morpeth, Viscount
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Ferrall, R. M.
Paget, F.
Palmerston, Viscount
Parker, J.
Parker, M.
Patten, J. W.
Pendarves, E. W. W.
Pigot, D. R.
Power, J.
Pusey, P.
Rawdon, Col. J. D.
Reid, Sir J. R.
Roche, Sir D.
Rundle, J.
Russell, Lord J.
Scholefield, J.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, R. V.
Stanley, hon. W. O.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Strangways, hon. J.
Surrey, Earl of
Talbot, C. R. M.
Thomas, Colonel H.
Troubridge, Sir E. T.
Tufnell, H.
Vivian, J. E.
Walker, R.
Wall, C. B.
Wallace, R.
Ward, H. G.
Williams, W. A.
Wyse, T.
Young, Sir W.

TELLERS.

Stanley, hon. E. J.
Steuart, R.

List of the NOES.

Acheson, Viscount
A'Court, Captain
Aglionby, H. A.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Bainbridge, E. T.
Baines, E.
Baker, E.
Baring, H. B.
Baring, hon. W. B.
Bateson, Sir R.
Beamish, F. B.
Benett, John
Bentinck, Lord G.
Berkeley, hon. H.
Blennerhassett, A.
Botfield, B.
Bradshaw, James
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brooke, Sir A. B.
Brotherton, J.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Busfield, W.
Butler, hon. Colonel
Canning, rt. hn. Sir S.
Clerk, Sir G.

Cochrane, Sir T. J.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Darby, G.
Darlington, Earl of
Dick, Quintin
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duke, Sir J.
Dunbar, G.
Duncombe, hon. W.
Dundas, F.
Eliot, Lord
Evans, W.
Ewart, W.
Fielden, W.
Fellowes, E.
Filmer, Sir E.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleming, J.
Forester, hon. G.
Freemantle, Sir T.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Graham, rt. hn. Sir J.
Hamilton, C. J. B.
Hamilton, Lord C.
Hector, C. J.
Henniker, Lord
Herries, rt. hon. J. C.
Hill, Lord A. M. C.
Hillsborough, Earl of
Hindley, C.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Howick, Viscount
Hughes, W. B.
Humphery, J.
Ingham, R.
Jackson, Mr. Sergeant
James, Sir W. C.
Johnson, General
Johnstone, H.
Kemble, H.
Lascelles, hon. W. S.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, A. M.
Lowther, hon. Colonel
Lucas, E.
Lushington, C.
Mackenzie, T.
Mackenzie, W. F.
Marton, G.
Maunsell, T. P.
Morris, D.
Nicholl, J.
Northland, Lord
O'Connell, D.
O'Connell, J.
O'Connell, M.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Pattison, J.
Pease, J.
Peel, rt. hon. Sir R.
Perceval, hon. G. J.
Philips, M.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Praed, W. T.
Pringle, A.
Pryme, G.
Rickford, W.
Roche, E. B.
Round, C. G.
Rushout, G.
Salwey, Colonel
Smyth, Sir G. H.
Somers, J. P.
Somerville, Sir W. M.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hon. Sir E.
Thompson, Mr. Ald.
Thornely, T.
Thornhill, G.
Turner, E.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vigors, N. A.
Waddington, H. S.
Wakley, T.
Warburton, H.
Welby, G. E.
Williams, W.
Wilmot, Sir J. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, G. W.
Wood, Colonel T.
Worsley, Lord
Wyndham, W.
Yates, J. A.
Yorke, hon. E. T.

TELLERS.
Lushington, Dr.
Hawes, B.

Amendment agreed to. Bill passed.

ADMIRALTY COURT—JUDGE'S SALARY.] Lord *J. Russell* moved that the Admiralty Courts (Judges Salary) Bill be read a third time.

Lord *Hotham* rose to move the addition of the following proviso at the end of the first clause:—"That any such judge, after the present Parliament, shall, during his continuance in office as judge, be incapable of being elected or sitting as a Member of the House of Commons." The noble Lord said, that the division when this question was formerly discussed was so small, that the opinion of the House could hardly be fairly considered to have been expressed upon it. He considered it a great disadvantage that a judge should owe his seat in that House to popular election; and if the objection were urged that the Recorders of London and of Dublin were popularly elected, he would say that they were not appointed by the Crown. Then, also, there was a great difference in the position of a judge in the House of Lords and a judge in the House of Commons; because, as had been said by a writer in a public print, which advocated the opinions generally advanced by hon. Members opposite, the former held his post for life, and lost no dignity by playing the mob orator.

Mr. *Hume* seconded the amendment. He did so with some regret, however, as, if carried, it would necessarily exclude his hon. Friend, the Member for the Tower Hamlets, from the House. But as he had always voted for the exclusion of judges from this House, he should do so again now.

Mr. *Ward*, when he saw hon. and learned Gentlemen filling similar situations to that which was held by the right hon. Gentleman, the Member for the Tower Hamlets, (he alluded to the Recorders for London and Dublin), he could not help thinking, that all the arguments which were applicable to one case applied equally to the other. He would vote for such a proposition if it were made generally to exclude all judicial functionaries from the House. But he could not support an amendment which was intended to exclude one individual singly.

Mr. *Shaw* had intended to vote against the amendment of the noble Lord; but holding a judicial office himself, he was prepared to withdraw from the House if it were considered desirable he should do so. Lord Althorp had said, in reference to the proposition for excluding judicial officers from the House, that it should not be applied during the lifetime of the present holders of such offices; and as he had had the benefit of that principle in his own case, he certainly thought it should be extended to the case of the Judge of the Admiralty.

Lord *John Russell* said, that his sentiments were already known as being opposed to the principle of the amendment moved by the noble Lord opposite; and he had not heard anything from the noble Lord this evening, that at all shook his opinion on the subject. Not one of the arguments used by the noble Lord, but would apply equally against the admission of all judicial officers in this House. For his own part, however, he had always maintained that it was for the advantage of the constitution of this House, that there should be in it as many men of learning as the people would send to it. The hon. and learned Member for the Tower Hamlets was a man of education and talent, and he should therefore be sorry to see the House deprived of his services. Having so stated his opinion upon this subject, he should not, however, press it to a division, perceiving that the sense of the House was against him, and in favour of the amendment of the noble Lord.

Sir *E. Sugden*, upon the balance of evils and benefits, thought that the evils were more than recompensed by the advantages of great learning being brought into the House. There were many occasions where questions of international law, and of the construction of treaties, were discussed, in which the House stood greatly in need of such learning as the right hon. Gentleman possessed. He should therefore reluctantly vote against the motion of his noble Friend.

Dr. *Nicholl* felt reluctantly bound to support the amendment. With the highest respect for the talents and integrity of the present learned Judge of the Admiralty Court, he did not think it possible that he could give a judgment which should be beyond suspicion, as long as he represented such a constituency as the Tower Hamlets. This objection would equally apply to a representative of Hull, Liverpool, or any other place of that character.

Mr. *Pryme* opposed the amendment, and said, that it might with just as much propriety be moved to exclude the Chancellor of the Exchequer from Parliament, as that officer, in the course of his duties, had to give important decisions upon various applications on commercial subjects.

Proviso agreed to, and Bill passed.

IMPORTATION OF FLOUR (IRELAND).] Mr. Labouchere moved the order of the day for the third reading of the Importation of Flour Bill. On the question being put, that the bill be now read a third time,

Sir *R. Bateson* opposed the motion, and moved, as an amendment, that the bill be read a third time that day six months.

Colonel *Conolly* seconded the amendment. He was persuaded if the bill passed, it would be greatly injurious to the agricultural interests of Ireland.

Mr. *More O'Ferrall* supported the third reading of the bill. He believed that all that had been said by those who had proposed and seconded the amendment, had put the question upon a false footing.

Sir *D. Roche* was at first opposed to the bill, but since the time it was introduced, seeing the smuggling that had taken place, he felt that he could not, in justice to the fair trader, oppose it longer. He should therefore give his assent to the third reading.

Mr. *Labouchere* had already stated, that the operation of the bill would be of a very limited nature, but he was induced to look at the question in a much more important light from the statements that had just been made by the hon. Baronet behind him, that smuggling to a great extent was carried on from Liverpool to Ireland. That arose from the anomaly in the law, by which foreign flour was imported under different provisions into Ireland and England. He trusted, under these circumstances, and seeing that the arguments used, that it would injuriously affect the interests of Ireland, rested on the most vague and unstable grounds, he trusted the House would allow the bill to be read a third time.

Mr. *E. Tennent* had had communications with almost every miller in Ireland, and without exception they were all opposed to the bill.

Mr. *Beamish* was satisfied that the bill would inflict no injury whatever on the Mill interest of Ireland, if he thought so, he would be the last to support such a measure, which he did most cordially.

Mr. *O. Gore* said, the right hon. Gentleman (the President of the Board of Trade) had, in the most handsome manner, postponed the bill on a former occasion, to ascertain the opinion of the Grand Juries of Ireland on the subject. That had been very distinctly pronounced in the number of petitions that had been presented against the measure; he thought this was an attempt to introduce the small end of the wedge, in order to lead hereafter to the repeal of the Corn-laws, and, as such, he trusted the House would oppose the bill.

The House divided on the original question:—Ayes 79; Noes 90: Majority 11.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Anson, hon. Colonel
Baines, E.
Baring, right hon. F.T.
Beamish, F. B.
Berkeley, hon. H.
Bewes, T.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Busfield, W.
Chalmers, P.
Collier, J.
Dalmeny, Lord
Dundas, D.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Euston, Earl of
Ewart, W.
Finch, F.
Fitzpatrick, J. W.
Gordon, R.
Hastie, A.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, hn. E. G. G.
Howard, F. J.
Howick, Viscount
Hutt, W.
Hutton, R.
Ingham, R.
James, W.
Labouchere, rt. hn. H.
Maher, J.
Marsland, H.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
O'Brien, C.
O'Brien, W. S.
O'Connell, M.
O'Ferrall, R. M.
Palmerston, Viscount
Pattison, J.
Pease, J.
Pendarves, E. W. W.
Ponsonby, hon. J.
Power, J.
Pryme, G.
Ramsbottom, J.
Roche, Sir D.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Style, Sir C.
Talbot, C. R. M.
Thompson, Mr. Ald.
Thornely, T.
Tufnell, H.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Williams, W.
Williams, W. A.
Wood, G. W.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Parker, J.

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Acheson, Viscount
Alston, R.
Archbold, R.
Bagge, W.
Barneby, J.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blake, M. J.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H. N.
Clayton, Sir W. R.
Clerk, Sir G.
Codrington, C. W.
Cole, hon. A. H.
Compton, H. C.
Corbally, M. E.
Corry, hon. H.
Cresswell, C.
Damer, hon. D.
Darby, G.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dunbar, G.
Egerton, Sir P.
Ellis, J.
Freemantle, Sir T.
Gaskell, J. M.
Goddard, A.
Gore, O. J. R.
Gore, O. W.
Hamilton, C. J. B.
Hamilton, Lord C.
Heathcote, Sir W.
Henniker, Lord
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hotham, Lord
Jackson, Mr. Sergeant
Jones, Captain
Kemble, H.
Knight, H. G.
Lincoln, Earl of
Litton, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Macnamara, Major
Martin, T. B.
Maunsell, T. P.
Mordaunt, Sir J.
Nicholl, J.
Northland, Lord
Packe, C. W.
Pakington, J. S.
Palmer, G.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Rae, rt. hon. Sir W.
Rawdon, Col. J. D.
Rickford, W.
Round, C. G.
Round, J.
Rushout, G.
Shaw, right hon. F.
Stanley, E.
Tennent, J. E.
Thomas, Colonel H.
Vere, Sir C. B.
Waddington, H. S.
Yorke, hon. E. T.

TELLERS.
Bateson, Sir R.
Conolly, Col. E. M.

Bill put off for six months.

BEER BILL.] Mr. *Pakington* moved that the report be received.

Mr. *S. O'Brien* moved that the debate be adjourned.

Viscount *Sandon* seconded the motion, as he did not think the clause he wished to propose would be discussed at so late an hour.

The House divided on the question of adjournment: Ayes 54; Noes 47: Majority 7.

List of the AYES.

Alston, R.
Baines, E.
Baring, rt. hon. F. T.
Beamish, F. B.
Blake, M. J.
Bowes, J.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Busfield, W.
Chalmers, P.
Cresswell, C.
Dundas, D.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Estcourt, T.
Ewart, W.
Finch, F.
Gordon, R.
Graham, rt. hon. Sir J.
Hastie, A.
Heathcoat, J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, F.
Howard, F. J.
Howick, Viscount
Hutt, W.
Hutton, R.
Labouchere, rt. hon. H.
Morris, D.
Muskett, G. A.

Nicholl, J.
Parker, J.
Pendarves, E. W. W.
Pigot, D. R.
Power, J.
Pryme, G.
Round, J.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt.hon. A.
Stanley, hon. E. J.
Stansfield, W. R. C.
Talbot, C. R. M.
Thornely, T.
Tufnell, H.
Vigors, N. A.
Wallace, R.
Wood, G. W.
Wyse, T.
Yorke, hon. E. T.

TELLERS.

Sandon, Viscount
O'Brien, W. S.

List of the NOES.

Acland, T. D.
Aglionby, H. A.
Bagge, W.
Barneby, J.
Bateson, Sir R.
Berkeley, hon. H.
Blackburne, I.
Blackstone, W. S.
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Brooke, Sir A. B.
Bruce, Lord E.
Buck, L. W.
Burroughes, H. N.
Clerk, Sir G.
Codrington, C. W.
Darby, G.
D'Israeli, B.
Douglas, Sir C. E.
Egerton, Sir P.
Ellis, J.
Filmer, Sir E.
Fitzroy, hon. H.
Greene, T.
Hamilton, Lord C.
Henniker, Lord
Hodgson, R.
Holmes, W.
Ingham, R.
Jackson, Mr. Sergeant
Kemble, Henry
Knight, H. G.
Litton, E.
Mackenzie, W. F.
Northland, Lord
Packe, C. W.
Palmer, G.
Perceval, Colonel
Polhill, F.
Round, C. G.
Tennent, J. E.
Thomas, Colonel H.
Vere, Sir C. B.
Waddington, H. S.
Williams, W. A.
Wood, B.

TELLERS.

Pakington, J. S.
Freemantle, Sir T.

Debate adjourned.

INDIA.] Viscount *Howick* moved for the following returns:—

"Copy of a minute in council of the Governor-general of India, respecting the issue of pay to her Majesty's troops serving in India, dated May the 7th, 1834. Copy of any warrant, dated subsequently to the 1st day of January, 1840, for regulating the issue of pay to her Majesty's troops serving in the territories of the East India Company; also of any instructions upon the same subject which have been forwarded, since the above date, by the Directors of the East India Company, or the Secretary at War, to the civil or military authorities in India. Statement showing the quantity of pure silver in the rupee coined by the East India Company, and the value thereof at the present market price of silver. Statement, showing what changes, if any, were made by a warrant of his late Majesty, dated the 20th day of March, 1837, in the rates of pay appointed by previous warrants to be received by his Majesty's troops when serving at home or abroad."

He could apprehend no objection to that motion, and he need, therefore, only say a few words. Upon the discussion of the army estimates, considerable difference of opinion had been evinced as to the propriety of the mode of paying the British soldiers in India with rupees; on that occasion there was a general wish for further information, and in compliance with that wish, he made the present motion.

Sir *J. Hobhouse* did not think that his noble Friend had shown sufficient cause for the production of these papers. He knew not why he should now revive the controversy that had taken place between them when the noble Lord had been his colleague, and upon the occasion of discussing the army estimates. All that his noble Friend could want was, to show that he was wrong, and his noble Friend was right. The discussion upon the subject could accomplish no good, and might be attended with much mischief. The Governor-general had some time since, in writing to him, stated that he trusted this subject would not be revived; because all that was done by it was creating very great discontent, which it would be most difficult to allay at a future time. What must be the effect of his noble Friend's motion, if carried? That he then should be obliged to move for other papers that were submitted to the Commander-in-chief on this subject. He could tell his noble Friend that he had the assent of the Commander-in-chief to the present arrangement, and now if those documents were to be had on the one side, he must have documents on the other. What was the use of his noble Friend's motion? What did his noble Friend want? Was it for the satisfaction of showing what was Lord William Bentinck's opinion, who, he admitted, agreed with the views of his noble Friend? Three months ago orders had been sent to equalize the pay in the three presidencies; and these arrangements had been satisfactory to all whose advice was worth taking on the subject. This, too, was the first time that such returns were moved for. To what persons, he asked, were the returns moved to be addressed? Out of what office were they to be received? The fact was, that his noble Friend recollected certain things that had been said in debate, and then he wished to show that his views were right, and those of others were wrong. He must say, that unless his noble Friend could show a good reason for his having the returns, he trusted he would not press his motion.

Mr. *Elliott* suggested to the noble Lord that he ought not to press his motion, as no advantage could be gained by it.

Sir *J. Graham* considered that it was not at an hour like this (past one o'clock) that such a motion ought to be debated. If the noble Lord would not withdraw his motion, he should move that the debate be adjourned.

Viscount *Howick* did not, he said, intend to oppose the motion of the right hon. Baronet who had last spoken. It was only a few minutes before he made his motion that he received an intimation that it would be opposed. He had not brought it forward for the purpose of showing that his opinions were correct, but because he had reason to believe that a regulation existed which did create the utmost and most general discontent in the British army. He felt that a great responsibility rested upon him while he was in office in not having the subject brought to a final decision, and although he was not able to obtain that object as a Member of Government, yet, as a Member of that House, he felt it to be at least his duty to call attention to the subject. All that he asked for was this—that the facts should be fairly laid before the House. Under all the circumstances, he would for the present withdraw his motion.

Motion withdrawn.

House adjourned.

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VOLUME LIV.

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